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CHIEF CLERK'S OFFICE
Docket No. 11-0348

Sent Via Federal Express

Viridian Energy PA LLC §
§
Application for Certificate of Service §
Authority under Section 16-115 of the Public §
Utilities Act §

Response to Notice of Administrative Law Judge's Ruling

Viridian Energy PA LLC, ("Applicant") hereby responds to the Administrative Law Judge's Ruling as follows:

General Provisions

The Administrative Law Judge ruled as follows:

1. 83 Ill. Adm. Code 451.20(f) requires Viridian to certify that it will procure renewable energy resources as required by Section 16-115(d) of the Act, or shall certify that Section 16-115D and Section 16-115(d) do not apply to it pursuant to Section 16-115D(h). In paragraph 15 of its application, Viridian provided a certification statement regarding the procurement of renewable energy resources. However, it is not clear from this statement if Sections 16-115D and 16-115(d) apply to Viridian or not.

Viridian must certify clearly if it will procure renewable energy resources as required by Section 16-115(d) of the Act, or shall certify that Section 16-115D and Section 16-115(d) do not apply to it, to comply with Subsection 451.20(f).

In response to the above ruling:

Applicant hereby amends paragraph 15 of its ARES application as follows:

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

Technical Provisions

The Administrative Law Judge ruled as follows:

2. 83 Ill. Adm. Code 451.310(b) requires Viridian to certify that it will not deny service to a customer or group of customers nor establish any differences as to prices, terms, conditions, services, products, facilities, or in any other respect, whereby such denial or differences are based upon race, gender or income nor deny service to a customer or group of customers based on locality

nor establish any unreasonable difference as to prices, terms, conditions, services, products, or facilities as between localities. Viridian did not include such statement in its application.

Viridian must certify that it will not deny service to a customer or group of customers nor establish any differences as to prices, terms, conditions, services, products, facilities, or in any other respect, whereby such denial or differences are based upon race, gender or income nor deny service to a customer or group of customers based on locality nor establish any unreasonable difference as to prices, terms, conditions, services, products, or facilities as between localities, to comply with Subsection 451.310(b).

In response to the above ruling:

Applicant hereby certifies that it will not deny service to a customer or group of customers nor establish any differences as to prices, terms, conditions, services, products, facilities, or in any other respect, whereby such denial or differences are based upon race, gender or income nor deny service to a customer or group of customers based on locality nor establish any unreasonable difference as to prices, terms, conditions, services, products, or facilities as between localities, to comply with Subsection 451.310(b).

The Administrative Law Judge ruled as follows:

3. *83 Ill Adm. Code 451.310(c)(1) indicates that Viridian shall submit as part of its application a statement indicating whether Viridian has been denied an electric supplier license in any state in the United States, and for affirmative responses, provide details identifying the name, case number, and jurisdiction of each such action. Viridian did not include such statement in its application.*

Viridian must provide a statement indicating whether Viridian has been denied an electric supplier license in any state in the United States, and for affirmative responses, provide details identifying the name, case number, and jurisdiction of each such action, if applicable, to comply with Subsection 451.310(c)(1).

In response to the above ruling:

Applicant hereby certifies that it has never been denied an electric supplier license in any state in the United States

The Administrative Law Judge ruled as follows:

4. *83 Ill Adm. Code 451.310(c)(2) indicates that Viridian shall submit as part of its application a statement indicating whether Viridian has had an electric supplier license suspended or revoked by any state in the United States, and for affirmative responses, provide details identifying the name, case number, and jurisdiction of each such action. Viridian did not provide such statement in its application.*

Viridian must include in its application a statement indicating whether Viridian has had an electric supplier license suspended or revoked by any state in the United States, to comply with Subsection 451.310(c)(2).

In response to the above ruling:

In compliance with Subsection 451.310(c)(2), Applicant hereby certifies that it has never had an electric supplier license suspended or revoked by any state in the United States.

General Provisions of Subpart D

The Administrative Law Judge ruled as follows:

5. *83 Ill Adm. Code 451.340(a) indicates that Viridian shall include in its application an exhibit that identifies, by name and job title, the persons on its staff, and agents or contractors utilized pursuant to Section 451.350, with the managerial experience required under this Subpart D. The exhibit shall provide a description of the relevant occupational experience for each person, including a description of the duties and the duration of the duties being used to meet each experience requirement of this Section. In addition, 83 Ill Adm. Code 451.340(b) indicates that Viridian shall include in its application an exhibit containing a corporate organizational chart and indicating the position of the persons or agents who are being used to meet the requirements of this section.*

In Paragraphs 24 and 25 of its application, Viridian indicated that Attachment 6 demonstrates that Viridian is in compliance with Subsection 451.340. The information provided in Attachment 6 indicates that Viridian is meeting the required electric system operational experience of Section 451.340 by relying on Energy Service Group as an agent. However, Viridian did not provide any information regarding its agent's employees.

Viridian must include in its application an exhibit that identifies, by name and job title, the employee(s) of its agents or contractors utilized pursuant to Section 451.350, with the managerial experience required under this Subpart D. The exhibit shall provide a description of the relevant occupational experience for each person, including a description of the duties and the duration of the duties being used to meet each experience requirement of this Section, to comply with Subsection 451.340(a). In addition, Viridian must add to its corporate organizational chart the name and position of the aforementioned agent or agent's employees who are being used to meet the requirements of this section to comply with Subsection 451.340(b).

In response to the above ruling:

Applicant is not relying on Energy Services Group to fulfill the requirements of Section 451.340 using Section 451.350 under Subpart D. Rather, Applicant hereby certifies that it is relying solely on its own employees to fulfill all the requirements of Section 451.340. The inclusion of Energy Services Group in the narrative of Exhibit 6 was merely meant to show additional proof of operational capability, and Applicant regrets any confusion that was created from its inclusion.

Attachment 6 to the Applicant's ARES application, as referenced above, indicates the employees whose work experience and expertise are being used to satisfy each of these requirements,

including the requirement of electric system operational experience of Section 451.340, specifically, Michael Fallquist, Roop Bhullar, Rafi Jacobs, and Gary Zielanski. Exhibit 6 also states specifically which experience of each employee is meant to satisfy each of the requirements of Section 451.340, and the dates of their employment in said position.

Request for Confidential Treatment

The Administrative Law Judge ruled as follows:

6. *In its April 13, 2011 Motion for Confidential Treatment, Applicant states, "certain managerial information contained in Attachment 6 to the Application, namely, Viridian's organizational structure and complaints received in other jurisdictions, is confidential and proprietary, The disclosure of such information contained in the Application would cause competitive harm to Viridian."*

Given that the Commission has never granted confidential treatment to this type of information when considering an application for certificate of service authority as an alternative retail electric supplier, and such information regarding Viridian's competitors in the public domain, explain how disclosure would cause competitive harm to Viridian.

In response to the above ruling:

Applicant hereby withdraws its motion for confidential treatment of Attachment 6. In light of the precedent set at the ICC, Applicant finds it acceptable to release and treat as public all information contained in Attachment 6, including Applicants managerial information, organizational structure, and complaints received.

Wherefore, Applicant respectfully requests that the commission grant its application for service authority to serve retail customers in the state of Illinois.

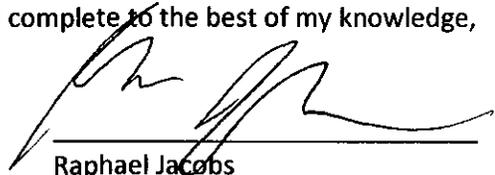
Date: May 2, 2011

By: 
Raphael Jacobs
Corporate Secretary
Viridian Energy PA LLC
64 North Main Street
Norwalk, CT 06854
Phone: 203-663-7524
Fax: 203-413-4434
Email: rjacobs@viridian.com

Verification

State of Connecticut)
Country of Fairfield) ss:

I, Raphael Jacobs, being first duly sworn, depose and say that I have read the **Response to Notice of Administrative Law Judge's Ruling** of Viridian Energy PA LLC, under Docket No. 11-0348, and that the statements contained in the Response are true, correct, and complete to the best of my knowledge, information, and belief.



Raphael Jacobs
Corporate Secretary
Viridian Energy PA LLC

Subscribed and sworn to before me
this 2 day of May, 2011


Notary Public

My commission expires 4-12-12