

MSI Utilities, Inc. :

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

Docket No.

11-0391

APPLICATION

MSI Utilities, 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. Applicant's name and street address:

*MSI Utilities, Inc.
2727 Tuller Parkway, Suite 250
Dublin, OH 43017*

2. Related Information:

- Type of business entity: *Corporation*
- Jurisdiction in which and under whose laws business entity was created: *Ohio*
- Other names under which Applicant does business (D/B/A): *Market Solutions, Inc.*

3. Contact Persons for the following:

a) Issues related to processing this application:

*Frank Warner - CEO
P.O. Box 1623
Medina, OH 44258-1623
V - (866) 337-3463
E - fwarner@msiutilities.com*

b) Issues related to complaint resolution [454.130]:

*Frank Warner - CEO
P.O. Box 1623
Medina, OH 44258-1623
V - (866) 337-3463
E - fwarner@msiutilities.com*

CHIEF CLERK'S OFFICE

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ILLINOIS
COMMERCE COMMISSION

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

We are in the business of Natural Gas and Electricity consulting/sales. We work with business customers in deregulated markets across the US by helping to manage utility costs and achieve savings vs. local utility pricing. We have agent agreements in place with third-party suppliers who supply the commodity and bill the customer. We are compensated by the supplier and do not charge the customer separately for our services.

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)]:

I have reviewed and agree with Section 16-115C of the Act. Our fee is always included in pricing that we offer to the customer. We do not improperly or fraudulently represent our services in any fashion as described in the act. MSI will follow the requirements of this section when soliciting any customers in IL.

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)]:

*InCorp Services, Inc.
2501 Chatham Rd., Suite 110
Springfield, IL 62704
V - (800) 246-2677
F - (702) 866-2689
E - processing@incorp.com*

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.

MSI is not currently licensed as an ABC in any other state. Since I was recently notified of this requirement in IL, I am going to research this state by state to insure that we are following the correct guidelines in other jurisdictions. MSI has not had any complaints filed against it in any of the jurisdictions that we operate.

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, as demonstrated in Attachment A. Attachment A 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 B 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 B. Attachment B 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.

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].**

REPORTING REQUIREMENTS [SECTION 454.110]

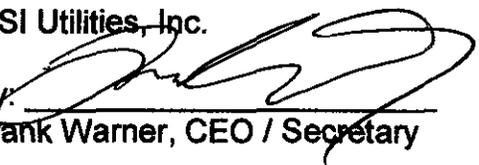
- 13. **Applicant agrees to submit reports in accordance with annual reporting requirements. [454.110]**

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,

MSI Utilities, Inc.

By: 

Frank Warner, CEO / Secretary

Brent Rosenthal
Carlile Patchen & Murphy, LLP
366 East Broad Street
Columbus, OH 43215
V - (614) 628-0772
F - (614) 221-0216
E - bdr@cpmiaw.com

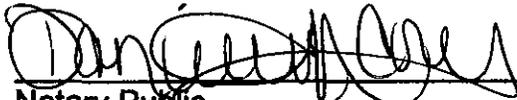
VERIFICATION

STATE OF OHIO,
COUNTY OF MEDINA

FRANK WARNER being first duly sworn, deposes and says that she/he is
(the) [a(n)] CEO/Secretary [for] [Applicant]; that he/she has read the foregoing
Application of [Applicant], 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][his] knowledge,
information and belief.


[Name of person verifying application]

Subscribed and sworn to before me
this 2nd day of MAY, 2011.


Notary Public

[Stamp of Notary]



DANIELLE N. CORES
Notary Public, State of Ohio
My Commission Expires
October 28 2013