

NextEra Energy Services Illinois, LLC :
:
Application to Amend its Existing :
Certificate of Service Authority Issued :
In ICC Docket No. 06-0776 under :
Section 16-115 of the Public Utilities Act :

Docket No. 11- 0424

APPLICATION

NextEra Energy Services Illinois, LLC ("Applicant" or "NextEra"), hereby requests pursuant to Section 16-115 of the Public Utilities Act ("Act") that the Illinois Commerce Commission ("Commission") amend its existing certificate of service authority granted NextEra in Docket No. 06-0776, such that NextEra could offer the sale of electric power and energy services to all retail customers in the service territories of Commonwealth Edison Company, Central Illinois Light Company, d/b/a AmerenCILCO ("CILCO"), Central Illinois Public Service Company, d/b/a AmerenCIPS ("CIPS"), and Illinois Power Company, d/b/a AmerenIP ("IP"). In support of its application, Applicant states as follows:

MISCELLANEOUS REQUIREMENTS

NextEra is not licensed as an alternative retail electric supplier in any other jurisdictions, similar to the licensure required under Section 16-115 of the Illinois Public Utilities Act. Please see response to Item 20 below.

NextEra has had no complaints filed against it for its provision of any services in the electric or gas industry in this or any other jurisdiction. Further to this point, NextEra is not licensed as a retail electric provider in any jurisdiction other than Illinois and, as such, has had no complaints filed against it.

GENERAL [451.20, 451.30, 451.210, and 451.310]

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

Name and Principal Corporate Offices:
NextEra Energy Services Illinois, LLC
20455 State Highway 249, Suite 200
Houston, Texas 77070

CHIEF CLERK'S OFFICE
2011 MAY 13 A 9:49
ILLINOIS
COMMERCE COMMISSION

Name and Secondary Corporate Offices
NextEra Energy Services Illinois, LLC
700 Universe Boulevard
Juno Beach, Florida 33408

2. Related Information:

- Type of business entity:
NextEra is a Delaware limited liability company formed on October 10, 2006
- Jurisdiction in which and under whose laws business entity was created:
State of Delaware
- Other names under which Applicant does business (D/B/A):
None
- Federal Employer Identification Number: [451.20(c)(2)]
30-0389316
- Registered Agent in Illinois:
CT Corporation System
208 South LaSalle Street
Chicago, Illinois 60604
(312) 263-1414

3. Contact Persons for the following:

- a) Issues related to processing this application,
Garson Knapp
Senior Attorney
20455 State Highway 249, Suite 200
Houston, Texas 77070
(713) 401-5557 – telephone
(713) 401-5832- facsimile
Garson.Knapp@Gexaenergy.com
- b) Issues related to retail customers, including complaint resolution, and
Lawrence Boisvert
Vice President
20455 State Highway 249, Suite 200
Houston, Texas 77070
(713) 401-5505 – telephone
(713) 401- 5819 - facsimile
Larry.Boisvert@gexaenergy.com

NextEra maintains a toll free customer service number to assist its customers with questions or concerns. The toll free number is 1-877-528-2890, and has the following hours of operation:

7:00 am – 7 pm CST

- c) Technical issues, including scheduling of generation, transmission, and distribution, and issues arising from relationships with other providers of electric services.

Jason Wilson
Manager, Supply and Pricing
20455 State Highway 249, Suite 200
Houston, Texas 77070
(713) 401-5708 – telephone
(713) 401-5873 -facsimile
Jason.Wilson@gexaenergy.com

Provide each contact person's name, title, mailing address, telephone number, facsimile number, and e-mail address.

4. Applicant agrees to accept service by electronic means. [451.30(e)]
5. NextEra is licensed to do business in the State of Illinois, as demonstrated in **Attachment A**, incorporated herein by reference. [451.20(d)(1)]
6. NextEra will publish notice of its application for certification in the Official State Newspaper within 10 days following its filing of the application for certification. NextEra will file proof of publication with the Clerk of the Commission within 5 days after publication. [451.30(a)]
7. NextEra's employees will not be installing, operating, and maintaining generation, transmission, or distribution facilities within the State of Illinois. [Section 16-128(a) of the Act] [220 ILCS 5/16-128(a)]
8. Description of Applicant's business. NextEra is not affiliated with an Illinois utility. [451.30(c)(1)]

NextEra, an indirect subsidiary of NextEra Energy Services, LLC, is a registered Illinois alternative retail electric supplier. NextEra Energy Services, LLC's parent, NextEra Energy, Inc., is a leading clean energy company with 2010 revenues of more than \$15 billion, nearly 43,000 megawatts of generating capacity, and more than 15,000 employees in 28 states and Canada. NextEra Energy, Inc.'s principal subsidiaries are NextEra Energy Resources, LLC, which together with its affiliated entities is the largest generator in North America of renewable energy from the wind and sun, and Florida Power & Light Company, which serves

approximately 4.5 million customer accounts in Florida and is one of the largest rate-regulated electric utilities in the country. Through its subsidiaries, NextEra Energy, Inc. collectively operates the third largest U.S. nuclear power generation fleet. NextEra's affiliate, Gexa Energy, LP, ("Gexa") is a leading retail electric provider in Texas serving over 120,000 retail accounts in all retail customer classes. A corporate organizational chart is included in **Attachment F**. NextEra does not own any generation, transmission and distribution facilities and does not have a franchised electric service territory.

On February 7, 2007, in Docket No. 06-0776, the Commission granted NextEra a certificate of service authority as an ARES under the name of Gexa Energy Illinois, LLC, to offer the sale of electricity and power as well as billing services to nonresidential retail customers with annual electric consumption of greater than 15,000 kilowatt hours in the service territories of Commonwealth Edison Company ("ComEd"), Central Illinois Light Company, d/b/a AmerenCILCO ("CILCO"), Central Illinois Public Service Company, d/b/a AmerenCIPS ("CIPS"), and Illinois Power Company, d/b/a AmerenIP ("IP"). Notice of the change of Gexa Energy, LP's name to NextEra Energy Services Illinois, LLC ("NextEra") was provided to the Commission on or around September 1, 2010. NextEra's name is presently listed on Commission's website identifying it as a certified and registered ARES.

9. Geographic area in which Applicant seeks to be authorized to offer service (if less than entire State, provide detailed description) and the types of services it intends to offer. [451.30(c)]

NextEra is seeking to amend its existing certificate of service authority in order to allow it to provide electric power and energy services to all retail customers within the service territories of Commonwealth Edison Company ("ComEd"), Central Illinois Light Company, d/b/a AmerenCILCO ("CILCO"), Central Illinois Public Service Company, d/b/a AmerenCIPS ("CIPS"), and Illinois Power Company, d/b/a AmerenIP ("IP").

10. Identification of the Part 451 subpart (Subpart B, C, D, or E) under which the applicant is filing. Description of the characteristics of customer group(s) Applicant proposes to serve. [451.30(c)(2)]

This Application is submitted pursuant to Part 451, Subpart D of the Commission's rules. NextEra seeks authority to serve all retail residential, commercial, and industrial customers within the service territories of Commonwealth Edison Company ("ComEd"), Central Illinois Light Company, d/b/a AmerenCILCO ("CILCO"), Central Illinois Public Service Company, d/b/a AmerenCIPS ("CIPS"), and Illinois Power Company, d/b/a AmerenIP ("IP").

11. Proof of notification to each of the above-referenced utilities of NextEra's intent to serve in the utility's service area is provided in **Attachment B**, incorporated herein by reference. [451.30(c)(3)]
12. NextEra 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)]
 - 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)] and
 - e) [for Subpart C and D applicants] complies with all terms and conditions required by Section 16-115A(c) of the Act. [451.210 and 451.310(a)]
13. NextEra agrees to submit good faith schedules of transmission and energy in accordance with applicable tariffs. [451.20(a)]
14. NextEra 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. NextEra certifies it will procure renewable energy resources as required by Section 16-115D and subsection (d) of Section 16-115 of the Act, or shall certify that Section 16-115D and subsection (d) of Section 16-115 of the Act do not apply to it pursuant to subsection (h) of Section 16-115D of the Act. [451.20(f)].
16. NextEra 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. NextEra 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. NextEra agrees to adopt and follow rules and procedures to preserve the confidentiality of its customer's data. [451.40(b)]
19. As explained in Question 8 above, the Commission previously granted NextEra authority from the Commission to be an ARES pursuant to its order in Docket No. 06-0776. NextEra requests that such current authority be consolidated with

any authority granted pursuant to this Application, under the docket number of this Application.

20. NextEra is not licensed as an alternative retail electric supplier in any other jurisdictions, similar to the licensure required under Section 16-115 of the Illinois Public Utilities Act.

LICENSE OR PERMIT BOND [451.50]

21. A copy of NextEra's license bond is provided as **Attachment C-1**, incorporated herein by reference. The Bond is issued by a surety company licensed to do business in the State of Illinois, in favor of the People of the State of Illinois, in the amount of \$300,000. NextEra certifies that it has paid the cost of the bond and the term of the bond is greater than one year. Proof that NextEra's surety is a qualifying surety is provided as **Attachment C-2**, incorporated herein by referenced. [451.50(a)] [451.10]

FINANCIAL QUALIFICATIONS [451.320]

22. NextEra meets the financial criteria set forth in Part 451.320(a)(4). The unconditional guarantee of NextEra's guarantor is provided in **Attachment D-1**, incorporated herein by reference. A good faith estimate of NextEra's expected peak hourly demand expressed in MWs over the next 12 months is provided in **Attachment D-2**, incorporated herein by reference. The ratings agency report(s) of NextEra's guarantor are provided in **Attachment D-3**. Also included in this Attachment is the Standard & Poor's ratings report and annual report, including its SEC Form 10-K, of NextEra Energy Inc., the ultimate parent company of NextEra and its guarantor.

23. NextEra will not provide electric power and energy with property, plant and equipment that it owns, controls, or operates.

TECHNICAL QUALIFICATIONS [451.330]

24. NextEra will not use electric generation, transmission or distribution facilities that it owns, controls or operates in serving customers. NextEra meets the requirements of 451.330 as demonstrated in **Attachment E**, incorporated herein by reference. **Attachment E** also contains the occupational background information on the persons who are being used to meet the requirements as set forth in 83 Ill. Adm. Code 451.330.

As required by Part 451.330(c), NextEra agrees to maintain the following contact data in which its staff can be reached directly at all times. The dedicated telephone numbers for these contacts are (713) 401-5708/401-5676 and the dedicated facsimile number to reach them is (713) 401-5873. The address for the scheduling facility of NextEra is 20455 State Highway 249, Suite 200, Houston, Texas 77070.

MANAGERIAL QUALIFICATIONS [451.340 and 451.350]

25. NextEra meets the managerial qualifications as set forth in Part 451.340, as demonstrated in **Attachment F**, incorporated herein by reference. **Attachment F** includes an exhibit containing a corporate organizational chart and identifying the persons who are being used to meet each of the requirements of Part 451.340(a).
26. NextEra is not relying on one or more agents or contractors to meet the technical and managerial requirements of Parts 451.330 and 451.340. However, NextEra is relying upon certain individuals, pursuant to Part 451.350 and similar to that of Constellation NewEnergy, Inc. in Commission Docket No. 10-0540, who are employees of an affiliate, Gexa, in this case, to satisfy the technical and managerial experience requirements of Parts 451.330 and 451.340. At the outset, it should be noted that the officers of NextEra are the same for Gexa and office out of Gexa's headquarters at 20455 State Highway 249, Suite 200, Houston, Texas 77070. To this point, Messrs Ianni, Brown and Boisvert, Gexa employees, are, respectively, the president and vice presidents of both NextEra and Gexa and all are listed in **Attachment F** as persons, among others, who are being used to meet the managerial requirements of Part 451.340(a) for NextEra. Additionally, certain other Gexa employees listed in **Attachment F**, James Cullen Hay, Susan Ray, and Michael Matlock, are also being used by NextEra in meeting the managerial requirements of Part 451.340. Further, the persons listed in **Attachment E**, James Cullen Hay, Susan Ray, Jason Wilson, and Sarina Shah, are, being used to meet the technical requirements of Part 451.330, are Gexa employees who also perform the same duties and fulfill the same functions for NextEra as they do for Gexa. Both NextEra and Gexa are direct subsidiaries of NextEra Energy Services Holdings, LLC. As a normal part of its business, Gexa and its 300 plus employees provide, as a matrix commercial organization, NextEra with managerial and operational support in order to meet NextEra's needs.

FINANCIAL QUALIFICATIONS FOR SINGLE BILLING SERVICE [451.510]

27. The Commission has previously granted NextEra authority to provide single billing service for its retail customers with an annual electric consumption greater than 15,000 kilowatt hours in the service territories of Commonwealth Edison Company ("ComEd"), Central Illinois Light Company, d/b/a AmerenCILCO ("CILCO"), Central Illinois Public Service Company, d/b/a AmerenCIPS ("CIPS"), and Illinois Power Company, d/b/a AmerenIP ("IP"). This Application is not intended to amend that authority. NextEra, in this Application, is further not seeking authorization to provide single billing serve to residential or small commercial customers with annual peak demand of less than 15,000 kWh within the service territories of Commonwealth Edison Company ("ComEd"), Central Illinois Light Company, d/b/a AmerenCILCO ("CILCO"), Central Illinois Public Service Company, d/b/a AmerenCIPS ("CIPS"), and Illinois Power Company, d/b/a AmerenIP ("IP").

GENERAL PROVISIONS FOR APPLICANTS FILING UNDER SUBPART D [451.310]

28. NextEra certifies that its marketing materials which make statements concerning prices, terms and conditions of service contain information that adequately discloses the prices, terms and conditions of the products or services that the Applicant is offering or selling to the customer. [451.310(c)(1)]
29. NextEra certifies that before any customer is switched from another supplier, Applicant will give the customer written information that adequately discloses, in plain language, the prices, terms and conditions of the products and services being offered and sold to the customer. [451.310(c)(2)]
30. NextEra certifies it will provide documentation to the Commission and to customers that substantiates any claims made by the Applicant regarding the technologies and fuel types used to generate the electricity offered or sold to customers. [451.310(c)(3)]
31. NextEra certifies it will provide to the customer itemized billing statements that describe the products and services provided to the customer and their prices, and provide an additional statement, at least annually, that adequately discloses the average monthly prices, and the terms and conditions, of the products and services sold to the customer. [451.310(c)(4)]
32. NextEra certifies it will include materials comprising the consumer education program (pursuant to Section 16-117 of the Act [220 ILCS 5/16-117]) with all initial mailings to potential residential and small commercial retail customers and before executing any agreements or contracts with such customers, and that Applicant will provide these materials at no charge to residential and small commercial retail customers upon request. [451.310(d) and 451.310(e)]
33. NextEra certifies it will provide to residential and small commercial retail customers on a semiannual basis information on how to obtain a list of alternative retail electric suppliers that have been found in the last 3 years by the Commission (pursuant to Section 10-108 of the Act [220 ILCS 5/10-108]) to have failed to provide service in accordance with the terms of their contracts (pursuant to Section 16-117(g)(4)(C) of the Act). [451.310(f)]
34. NextEra certifies, pursuant to 451.310(c) that:
 - a) It has not been denied an electric supplier license in any state in the United States
 - b) It has not had an electric supplier license suspended or revoked by any state in the United States;
 - c) It does not currently have an application for electric supplier license pending in any State; and

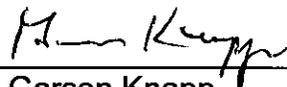
- d) It is not the subject of any lawsuit filed in any court of law or formal complaint filed with any regulatory agency alleging fraud, deception or misleading practices, or similar allegations.

WHEREFORE, NextEra Energy Services Illinois, LLC requests that the Commission:

- (1) Amend NextEra's existing certificate of authority in order to allow it to offer electricity and energy services to all retail customers within the service territories of Commonwealth Edison Company ("ComEd"), Central Illinois Light Company, d/b/a AmerenCILCO ("CILCO"), Central Illinois Public Service Company, d/b/a AmerenCIPS ("CIPS"), and Illinois Power Company, d/b/a AmerenIP ("IP"); and
- (2) Grant such further or additional relief as the Commission considers appropriate.

Respectfully submitted,

NextEra Energy Services Illinois, LLC

By: 

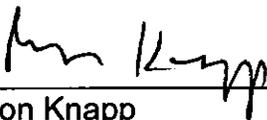
Garson Knapp
Senior Attorney

Garson Knapp
NextEra Energy Services, LLC
20455 State Highway 249, Suite 200
(713) 401-5557 – Telephone
(713) 401-5852 – Facsimile
Garson.Knapp@gexaenergy.com

VERIFICATION

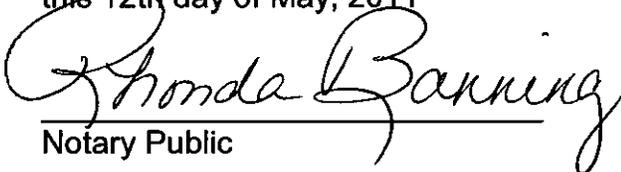
STATE OF TEXAS)
COUNTY OF HARRIS) ss:

Garson Knapp, being first duly sworn, deposes and says that he is an Assistant Secretary of NextEra Energy Services Illinois, LLC; that he has read the foregoing Application of NextEra Energy Services Illinois, 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 his knowledge, information and belief.



Garson Knapp

Subscribed and sworn to before me
this 12th day of May, 2011



Notary Public

[Stamp of Notary]

