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ILLINOIS COMMERCE COMMISSION

ORIGINAL

Form for ARES Applicants

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Viridian Energy PA LLC

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

Docket No.

11-0611

APPLICATION

Viridian Energy PA 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, 451.30, 451.210, and 451.310]

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

Viridian Energy PA LLC
64 North Main Street
Norwalk, CT 06854

2. Related Information:

- Type of business entity: [corporation, LLP, LLC, etc.]
LLC
- Jurisdiction in which and under whose laws business entity was created:
Nevada
- Federal Employer Identification Number: [451.20(c)(2)]
27-1089221
- Registered Agent in Illinois:
CorpDirect Agents
520 South Second Street, Suite 403
Springfield, IL 62701

CHIEF CLERK'S OFFICE

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3. Contact Persons for the following:

- a) Issues related to processing this application,

Rafi Jacobs, Director of Business Development
64 North Main Street
Norwalk, CT 06854
Work Phone: (203) 663-7524
Fax: (203) 413-4434
rjacobs@viridian.com

- b) Issues related to retail customers, including complaint resolution:

Betsy Webb, VP Regulatory Affairs
64 North Main Street
Norwalk, CT 06854
Work Phone: (203) 663-7523
Fax: (203) 413-4434
bwebb@viridian.com

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

Roop Bhullar, CFO
64 North Main Street
Norwalk, CT 06854
Work Phone: (203) 883-9900
Fax: (203) 413-4434
rbhullar@viridian.com

- d) Per Subsection 451.330(c), Viridian Energy agrees to maintain the following phone number, fax number, and address where it can be reached at all times:

Phone: 949-330-9685
Fax: 203-413-4434
Address: 64 North Main Street
Norwalk, CT 06854

4. An applicant shall state whether it agrees to accept service by electronic mean. [451.30(e)]

Viridian Energy PA LLC agrees to accept service through electronic means.

5. Applicant is licensed to do business in the State of Illinois, as demonstrated in **Attachment 1**. [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. Applicant's employees that will be installing, operating, and maintaining generation, transmission, or distribution facilities within the State of Illinois, as well as any entity with which the Applicant has contracted to perform those functions, have the requisite knowledge, skills, and competence to perform those functions in a safe and responsible manner in order to provide safe and reliable service in accordance with the criteria stated in Section 16-128(a) of the Act [220 ILCS 5/16-128(a)], as demonstrated in Attachment __. [451.20(d)(2)] [If applicable]

Not Applicable

8. Description of Applicant's business. [451.30(c)(1)]

Viridian Energy PA LLC will supply electricity to residential, commercial, and industrial customers in Illinois as an Alternative Retail Electric Supplier. Viridian will buy the electricity from PJM of which we are a member, and MISO of which we have contractual agreements with a member, and then sell it to the end user. The Company will principally offer variable priced electricity products that are expected to be offered at a discount to the utility.

Viridian Energy PA LLC is not affiliated with an Illinois utility. Viridian Energy PA LLC has no affiliates operating in the state of Illinois.

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)]

Viridian Energy PA LLC will be serving customers in the entire Commonwealth Edison and Ameren territories in Illinois. The Company will offer variable priced electricity products.

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)]

Viridian Energy will be serving Subpart D, all retail customers. We will be serving residential, commercial, and industrial customers

11. Proof of notification to each utility of Applicant's intent to serve in the utility's service area is provided in **Attachment 2**. [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)]
 - 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. 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 it will procure renewable energy resources as required by Section 16-115D and subsection (d) of Section 16-115 of the Act.
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. Whether Applicant currently has authority from the Commission to be an ARES, and if so, the Docket Number under which such authority was granted. [(If Applicant currently has a Certificate of Service Authority) Applicant requests that such current authority be consolidated with any authority granted pursuant to this application, under the docket number of this application.]

Applicant currently has authority from the Commission to be a ARES in the Commonwealth Edison territory under docket # 11-0348.

LICENSE OR PERMIT BOND [451.50]

20. 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 the amount specified in Part 451.50(a) for the appropriate group of customers the Applicant seeks certification to serve. [Attach 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.]

Applicant already has submitted this bond to the ICC under our current license, docket # 11-0348.

FINANCIAL QUALIFICATIONS [Clearly state 451.110, 451.220, or 451.320—Not applicable to Subpart E Applicants]

21. The Applicant is attempting to meet the qualifications pursuant to Section 451.320(a)(3). Please see **Attachment 3** for documentation from both PJM and MISO demonstrating that we are a member. Also, **Attachment 3** contains a verified statement from a corporate officer that we purchase 100% of our electric energy from the RTO for delivery to the service territories of the utilities for which we are seeking an ARES certificate. **Please note that Attachment 3 contains the additional information we are providing, over and above our previously approved ARES application, to show evidence of our ability to operate in the Ameren and MISO territory.**
22. Applicant will not provide electric power and energy with property, plant and equipment that it owns, controls, or operates

TECHNICAL QUALIFICATIONS [Clearly state 451.120, 451.230, 451.330, or 451.420]

23. Applicant will not use electric generation, transmission or distribution facilities that it owns, controls or operates in serving customers.

Viridian Energy PA LLC meets the Technical Qualifications set forth in Part 451.330(b) as demonstrated in **Attachment 4**.

MANAGERIAL QUALIFICATIONS [Clearly state 451.130 and 451.140, 451.240 and 451.250, 451.340 and 451.350, or 451.430]

24. Applicant meets the managerial qualifications set forth in Part 451.130, 451.240, or 451.340 (not applicable to Subpart E Applicants), as demonstrated in **Attachment 5**. **Attachment 5** includes an exhibit identifying the persons or agents who are being used to meet the requirements of Part 451.130(b), 451.240(b), or 451.340(b). Additionally, **Attachment 5** lists all other jurisdictions in which the applicant is licensed as an alternative retail electric supplier, similar to the licensure required under Section 16-115 of the Illinois Public Utilities Act, and a list of all complaints filed against the applicant to date.

25. Applicant is not relying on one or more agents or contractors to meet the technical and managerial requirements of Part 451.120 and 451.130, 451.230 and 451.240, 451.330 and 451.340, or 451.420.

FINANCIAL QUALIFICATIONS FOR SINGLE BILLING SERVICE [451.510]

26. Applicant does not intend to provide single billing services at this time.

GENERAL PROVISIONS FOR APPLICANTS FILING UNDER SUBPART D [451.310]

27. Applicant 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)]

28. Applicant 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)]

29. Applicant 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)]

30. Applicant 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)]

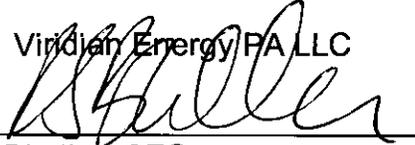
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31. Applicant certifies it will include materials comprising the consumer education program (pursuant to Section 16-117 of the Act [220 ILCS 5/16-117]) with all initial mailings to potential residential and small commercial retail customers and before 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)]
32. Applicant 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)]
33. 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).
34. Applicant hereby certifies that it has never been denied an electric supplier license in any state in the United States.
35. 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.

WHEREFORE, Applicant requests that the Commission grant its application for service authority to serve all retail customers in the Commonwealth Edison territory.

Respectfully submitted,

Viridian Energy PA LLC

By: 
Roop Bhullar, CFO

VERIFICATION

STATE OF CT)
COUNTY OF Fairfield) ss:

Roop Bhattachar, being first duly sworn, deposes and says that she/he is [the] [a(n)] CFO [of][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.

[Signature]
[Name of person verifying application]

Subscribed and sworn to before me
this 11 day of August, [year]. 2011

[Signature]
Notary Public my commission expires
[Stamp of Notary] APR 30, 2012