

ILLINOIS COMMERCE COMMISSION

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

Docket No. 11-06605

APPLICATION

The Power Company USA, LLC ("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:

- 1. GENERAL [454.40, 454.50, 454.100]

The Power Company USA, LLC  
214 w Ohio St. suite 3  
Chicago IL. 60654

- 2. Related Information:

- Limited Liability Corporation
- Illinois

- 3. Contact Persons for the following:

a) issues related to processing this application Patrick Farah, Managing Partner, 214 w Ohio St. Suite 3 Chicago IL. 60654, 972-922-3359, PFarah@thepowercompany.com

b) issues related to complaint resolution [454.130] Patrick Farah, Managing Partner, 214 w Ohio St. Suite 3 Chicago IL. 60654, 972-922-3359, PFarah@thepowercompany.com

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4. A full service Electricity broker. Specialize in electricity deregulation, contract negotiations, and customer acquisition.
5. Applicant meets the requirements of Section 16-115C of the Act. [454.40(d)(1)].

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)]

6. Cheryl Arts, Registered Agent, 3221 N Southport Ave #2, Chicago IL. 60657, Phone: 312.254.7766 Fax:800-864-4029, [CArts@thepowercompany.com](mailto:CArts@thepowercompany.com) 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)]
7. Applicant is not licensed similar to Illinois ABC Licensing in any other jurisdictions. Applicant does not have any complaints in any other jurisdictions, be it PUC or ICC.

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.

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 B 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 A 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). [Attachment should include narrative and/or resume of key personnel showing clearly how the managerial experience requirement is being met.]

TECHNICAL LICENSING QUALIFICATIONS [Section 454.70]

- 10. Applicant meets the technical qualifications set forth in Part 454.70, as demonstrated in Attachment 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 454.70(a). [The attachment shall identify the persons who are being used to meet each of the requirements of Part 454.70. Attachment should include narrative and/or resumes of key personnel showing clearly how the technical experience requirement is being met.]

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. [Attach the license or permit bond required by Part 454.80(a) and proof that the surety meets the definition of "qualifying surety" as set forth in Part 454.10.]

[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].

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,

The Power Company USA, LLC



By: Patrick Farah  
Its: Managing Partner

Patrick Farah  
The Power Company USA, LLC  
214 W Ohio ST. Suite 3  
Chicago IL. 60654  
Phone: 972-922-3359  
pfarah@thepowercompany.com

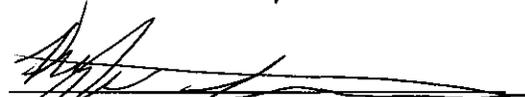
VERIFICATION

STATE OF Illinois  
COUNTY OF Cook

Patrick Farah, being first duly sworn, deposes and says that he is the Managing Partner of The Power Company USA LLC; that he has read the foregoing Application of The Power Company USA 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.

  
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PATRICK FARAH

Subscribed and sworn to before me  
this 29 day of September, 2011.

  
\_\_\_\_\_  
Notary Public

[Stamp of Notary]

