

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Energy Management Services Inc :

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

Docket No. **12-0186**

AMENDED - APPLICATION

Energy Management Services 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.

**Energy Management Services Inc.
1701 E. Woodfield Road Suite 511
Schaumburg, IL 60173-5130**

2. Related Information:

- Type of business entity: **CORPORATION**
- Jurisdiction in which and under whose laws business entity was created:
STATE OF ILLINOIS
- Other names under which Applicant does business (D/B/A):

3. Contact Persons for the following:

- a) issues related to processing this application and
- b) issues related to complaint resolution [454.130]

**Contact Person for a) & b) above is
Anthony M. Colucci, President,
Energy Management Services Inc.,
1701 E Woodfield Road Suite 511, Schaumburg, IL 60173
Phone: 847-440-2010 x 1, email: tcolucci@energymanagement-us.com**

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

Energy Management Services Inc (EMSI) is an Illinois Corporation specializing in utility consulting for business customers. EMSI offers consulting services for retail clients electric, gas, telephone and Internet services.

5. A 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)]

Energy Management Services Inc. personnel have attended and passed training courses offered by electric and gas suppliers. Our extensive knowledge of all utilities has been attained over the last 15 years of successful business engagement. Energy Management certifies it will comply with all terms and conditions required by Section 16-115C of the Act and that any person who acts on behalf of the entity will comply with all Sections of this Part applicable to the function or functions to be performed.

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)]

Agent: Anthony M. Colucci, Mailing Address: Energy Management Services Inc. 1701 E Woodfield Road Suite 511, Schaumburg, IL 60173, Phone: 847-440-2010, Fax: 847-995-0050, colucci@energymanagement-us.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.

Energy Management Services Inc is NOT licensed currently in any other jurisdictions but will be applying for licenses for utility services in which states require this. Applicant certifies that it has had NO complaints in any jurisdiction regarding its business pertaining to electric or gas procurement.

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-1**. Attachment A-1 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-1 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-2**. Attachment A-2 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.

[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) Prior to the customer signing a contract, disclose that they are not employed by the electric utility operating in the applicable service territory;
- c) *Disclose in plain language in writing to all persons it solicits:*
 - 1) *before July 1, 2011, the total anticipated remuneration to be paid to it by any third party over the period of the proposed underlying customer contract and*
 - 2) *on or after July 1, 2011, the total price per kilowatt-hour, and the total anticipated cost, inclusive of all fees or commissions received by the licensee, to be paid by the customer over the period of the proposed underlying customer contract. In the event a person or entity required to be licensed pursuant to this Part uses an electric supply usage estimate for a particular customer, the person or entity required to be licensed pursuant to this Part must use the same electric supply usage estimate for all service offers it presents to that particular customer;*
- d) Any disclosure required by subsection (c) must be made prior to entering into the contract and signed by the customer;
- e) *Disclose if applicable, to all customers, prior to the customer signing a contract the fact that they will be receiving compensation from the supplier;*
- f) *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 Section 16-115C of the Act has no contractual relationship with any RES or its affiliates regarding retail electric service in Illinois;*
- g) *Not utilize false, misleading, materially inaccurate, defamatory or otherwise deceptive language or materials in the soliciting or providing of its services;*

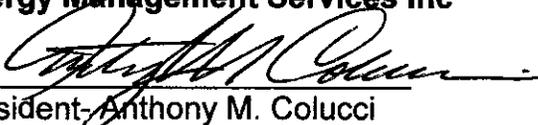
- h) *Maintain copies of all marketing materials disseminated to third parties for a period of not less than three years;*
- i) *Maintain copies of all disclosure statements required in subsections (a) and (b) for a period of not less than three years;*
- j) *Not present electricity pricing information in a manner that favors one supplier over another, unless a valid pricing comparison is made utilizing all relevant costs and terms; and*
- k) *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].*

(Source: Amended at 35 Ill. Reg. 17602, effective November 1, 2011)

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,

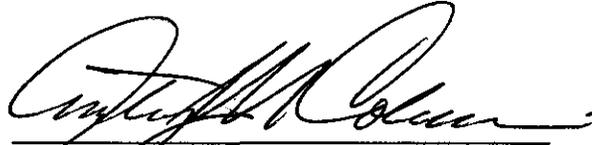
Energy Management Services Inc

By: 
President-Anthony M. Colucci

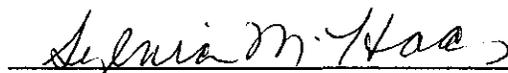
VERIFICATION

STATE OF IL
COUNTY OF Cook

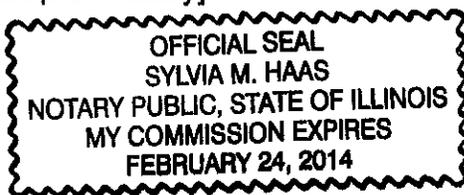
Tony Colucci, being first duly sworn, deposes and says that he is President of Energy Management Services Inc.; that he has read the foregoing Application of Energy Management Services Inc , and all of the attachments accompanying and referred to within the Application; and that the statements contained in the Application and the attachments are true, correct and complete to the best of his knowledge, information and belief.


[Anthony M. Colucci]

Subscribed and sworn to before me
this 21st day of March, 2012.


Notary Public

[Stamp of Notary]



ATTACHMENT A-1

MANAGERIAL LICENSING QUALIFICATIONS [Section 454.60]

Exhibit- Corporate Organizational Chart

Energy Management Services Inc.

Anthony M Colucci - President-

Occupational Background:

Energy Management Services Inc. - President/Sales (March 1, 2009 to Present)

Responsibilities included managing an entire sales and service organization regarding consulting of utility services to small-large businesses throughout IL.

Dialtone Management Inc. - President / Sales (January 25, 1996 to Present)

Responsibilities included managing an entire sales and service organization regarding consulting of telephone and data services to small-large businesses throughout IL.

Sprint Communications - National Account Sales Manager (June 1988 to November 1995)

Responsibilities included selling and consulting of telephone and data services to large businesses throughout IL.

Savin Corp. - Sales Manager (June 1984 to June 1988)

Responsibilities included selling and consulting of copier systems and duplicator systems to large businesses throughout IL.

Anthony F Colucci - Chief Financial Officer

Occupational Background:

Energy Management Services Inc. - Chief Financial Officer (March 1, 2009 to Present)

Responsibilities included managing the financial activities and planning of an entire sales and service organization regarding consulting of utility services to small-large businesses throughout IL.

Dialtone Management Inc. - Chief Financial Officer (January 25, 1996 to Present)

Responsibilities included managing the financials of an entire sales and service organization regarding consulting of telephone and data services to small-large businesses throughout IL.

Memorial Park District - Treasurer (May 1986 to June 1995)

Responsibilities included managing the financials of an entire suburban Bellwood IL park district organization.

Key Bookkeeping - Owner-Manager (December 1965 to Present)

Responsibilities include accounting work of various small business and personal income tax clients.

ATTACHMENT A-1 (cont'd)

MANAGERIAL LICENSING QUALIFICATIONS [Section 454.60]

Exhibit- Corporate Organizational Chart

Energy Management Services Inc.

Paula Colucci - Administrative Manager

Occupational Background:

Energy Management Services Inc. - Administrative Manager (March 1, 2009 to Present)
Responsibilities included managing the administration of an entire sales and service organization regarding consulting of utility services to small-large businesses throughout IL.

Dialtone Management Inc - Administrative Manager (January 25, 1996 to Present)
Responsibilities included managing the administration of an entire sales and service organization regarding consulting of telephone and data services to small-large businesses throughout IL.

Anthony J Colucci - Associate Energy Consultant:

Occupational Background:

Energy Management Services Inc. - Associate Energy Consultant (May 1, 2009 to Present)
Responsibilities included consulting of utility services to small-large businesses throughout IL. Direct client contact involving analysis and projection of cost saving measures for utility conservation.

Dialtone Management Inc - Associate Sales Manager (May 1, 2008 to Present)
Responsibilities included consulting of phone and data services to small-large businesses throughout IL. Direct client contact involving analysis and projection of cost saving measures for phone and data cost savings.

Robert M Colucci - Associate Energy Consultant:

Occupational Background:

Energy Management Services Inc. - Associate Energy Consultant (May 1, 2009 to Present)
Responsibilities included consulting of utility services to small-large businesses throughout IL. Direct client contact involving analysis and projection of cost saving measures for utility conservation.

Dialtone Management Inc - Associate Sales Manager (May 1, 2009 to Present)
Responsibilities included consulting of phone and data services to small-large businesses throughout IL. Direct client contact involving analysis and projection of cost saving measures for phone and data cost savings.

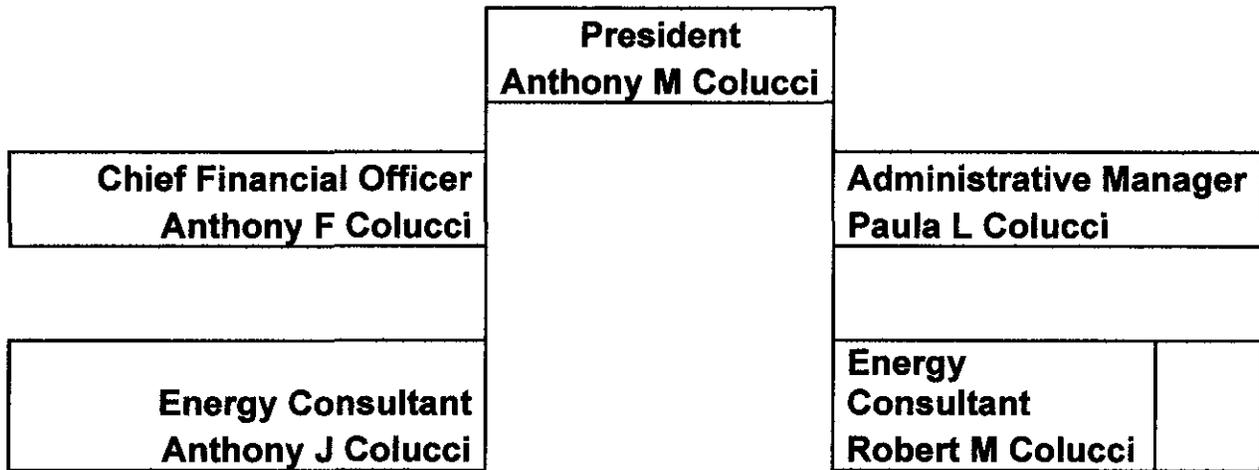
ATTACHMENT A-1 (cont'd)

MANAGERIAL LICENSING QUALIFICATIONS [Section 454.60]

ORGANIZATIONAL CHART DIAGRAM

For

ENERGY MANAGEMENT SERVICES INC.



ATTACHMENT A-2

TECHNICAL LICENSING QUALIFICATIONS [Section 454.70]

President- Anthony M Colucci

Responsibilities- Sales, Corporate Management

Technical Background: 3 Years (2006-2009) Exclusive Broker for Constellation New Energy
3 Years (2009-2012) Exclusive Broker for Hudson Energy
16 years as President-Sales of Dialtone Management Inc.

Technical Instruction received:

Since 2006, Mr. Anthony M. Colucci has directed many client electrical and gas supply analysis projects and has presented savings recommendations from our exclusive energy supplier.

Since 2006, multiple in person training classes and weekly conference call trainings were attended by Mr. Anthony M. Colucci during our exclusive arrangement selling for Constellation New Energy and Hudson Energy. Technical understandings of all electric and natural gas product offerings were attained through these corporate broker instructional meetings. In addition, Mr. Colucci has been a telecom and data broker with Dialtone Management Inc. for over 16 years representing telecom carriers such as AT&T, MCI, Qwest, Sprint, Access One, Airespring and Global Crossing.

Associate Energy Consultant - Anthony J Colucci

Responsibilities- Sales and Consulting

Technical Background: 3 Years (2009-2012) Exclusive "Lead" Broker for Hudson Energy prospective clients

Technical Instruction received:

Since 2009, multiple in person training classes and weekly conference call trainings were attended by Anthony J Colucci during our exclusive arrangement selling for Constellation New Energy and Hudson Energy. Technical understandings of all electric and natural gas product offerings were attained through these corporate broker instructional meetings.

Associate Energy Consultant - Robert M Colucci

Responsibilities- Sales and Consulting

Technical Background: 2 Years (2010-2012) Exclusive "Lead" Broker for Hudson Energy prospective clients

Technical Instruction received:

Since 2010, multiple in person training classes and weekly conference call trainings were attended by Robert M Colucci during our exclusive arrangement selling for Constellation New Energy and Hudson Energy. Technical understandings of all electric and natural gas product offerings were attained through these corporate broker instructional meetings.

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

H. Dahlstrom of Sioux Falls,
State of South Dakota, with limited authority, its true and lawful Attorney-in-Fact, with full power and authority hereby conferred to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One RETAIL ELECTRIC AGENTS BROKERS AND CONSULTANTS

bond with bond number 71239933

for ENERGY MANAGEMENT SERVICES, INC.
as Principal in the penalty amount not to exceed: \$5,000.00

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its Senior Vice President with the corporate seal affixed this 5th day of March, 2012

ATTEST

A. Vietor
A. Vietor, Assistant Secretary

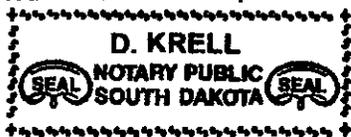
WESTERN SURETY COMPANY
By Paul T. Bruffat
Paul T. Bruffat, Senior Vice President

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss



On this 5th day of March, 2012, before me, a Notary Public, personally appeared Paul T. Bruffat and A. Vietor

who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Senior Vice President and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the voluntary act and deed of said Corporation.



D. Krell
Notary Public

My Commission Expires November 30, 2012