

[The Form for ABC Applicants has been prepared by the Staff of the Illinois Commerce Commission. It is intended to be a source of information and a template that may be of use to entities petitioning the Illinois Commerce Commission to be licensed as an Agent, Broker, and Consultant ("ABC") under Section 16-115C of the Public Utilities Act ("Act") [220 ILCS 5/16-115C] and 83 Ill. Adm. Code 454 ("Part 454"), Licensure of Agents, Brokers, and Consultants. The Form is presented in a generic format and should be individually tailored by each ABC applicant before submitting to the Illinois Commerce Commission. The Form is not intended to constitute legal advice regarding compliance with Section 16-115C of the Act, 83 Ill. Adm. Code 454, or any applicable case law.] [Remove highlighted sections before submitting to the Illinois Commerce Commission.]

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Energy Auction Exchange, LLC

:

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

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:  
:  
:

Docket No.

12-0394

APPLICATION

Energy Auction Exchange, 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:

GENERAL [454.40, 454.50, 454.100]

1. Applicant's name and street address.

Energy Auction Exchange LLC  
3557 West 9800 South Suite 250  
South Jordan, UT 84095

2. Related Information:

- Type of business entity: [corporation, LLP, LLC, etc.]
  - LLC
- Jurisdiction in which and under whose laws business entity was created
  - Utah
- Other names under which Applicant does business (D/B/A):

CHIEF CLERK'S OFFICE

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ILLINOIS COMMERCE  
COMMISSION

3. Contact Persons for the following:  
a) issues related to processing this application

Kelly Curtis

- b) issues related to complaint resolution [454.130]

Kelly Curtis

Provide each contact person's name, title, mailing address, telephone number, and e-mail address for a) and b).

Kelly Curtis  
CFO  
3557 West 9800 South Suite 250  
South Jordan, UT 84095  
[kelly@energyaex.com](mailto:kelly@energyaex.com)  
(801) 826-4880

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

Energy Auction Exchange is the proposed energy procurement arm of Discovery Energy, a nationwide utility bill audit firm. Discovery Energy has been in the utility bill auditing business for over 10 years, performing audits on thousands of electricity and natural gas accounts all across the United States.

Energy Auction Exchange will be a new organization focused on bringing our procurement customers a process in which they will experience supplier competition and efficient operations

The founding of Energy Auction Exchange was inspired by doing things better. Currently the vast majority of energy procurement is done by entering into a supply contract directly with an energy supplier or indirectly through an energy consultant who presents a single supplier.

The goal of Energy Auction Exchange is to offer our customers a process that takes advantage of competitive bidding. Every customer will witness directly which suppliers are bidding for their account. The advantage of a transparent bidding process the customer is assured everything has been done to get the most suppliers to "compete" to win his account and a level playing field was created without any preference towards one supplier.

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 Auction Exchange (the applicant) has read and met all the provisions of Section 16-115C of the Act [454.40(d)(1)].

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.  
901 S 2<sup>nd</sup> Street, Suite 201  
Springfield, IL 62704-0000

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 Auction Exchange is currently in the application process for a license in Ohio, Pennsylvania, Massachusetts and New Jersey and Maryland.

Energy Auction Exchange has not any complaints filed against it in any jurisdictions.

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)]

Yes – Energy Auction Exchange has filed with Secretary of State as Foreign Entity, certificate attached

- b) shall comply with all terms and conditions required by Section 16-115C of the Act; [454.40(d)(2)]

Yes – Energy Auction Exchange shall comply with all terms and conditions

- 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)]

- 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)]

Energy Auction Exchange will retain all customer authorizations for three years

- f) shall preserve the confidentiality of its customers' data. [454.100(b)]

Energy Auction Exchange WILL PRESERVE THE CONFIDENTIALITY OF CUSTOMERS'

DATA

MANAGERIAL LICENSING QUALIFICATIONS [Section 454.60]

- 9. Applicant meets the managerial qualifications set forth in Part 454.60, as demonstrated in Attachment \_\_. Attachment \_\_ 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 \_\_ 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.]

**Attached**

TECHNICAL LICENSING QUALIFICATIONS [Section 454.70]

- 10. Applicant meets the technical qualifications set forth in Part 454.70, as demonstrated in Attachment \_\_. Attachment \_\_ 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.]

**Attached**

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>)]

**Attached**

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;

Yes – Energy Auction Exchange certifies

b) Prior to the customer signing a contract, disclose that they are not employed by the electric utility operating in the applicable service territory;

Yes – Energy Auction Exchange certifies

c) Disclose in plain language in writing to all persons it solicits 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;

Yes – Energy Auction Exchange certifies

d) Any disclosure required by subsection (c) must be made prior to entering into the contract and signed by the customer;

Yes – Energy Auction Exchange certifies

- 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;

Yes – Energy Auction Exchange certifies

- 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;

Yes – Energy Auction Exchange certifies

- g) Not utilize false, misleading, materially inaccurate, defamatory or otherwise deceptive language or materials in the soliciting or providing of its services;

Yes – Energy Auction Exchange certifies

- g) Maintain copies of all marketing materials disseminated to third parties for a period of not less than three years;

Yes – Energy Auction Exchange certifies

- h) Maintain copies of all disclosure statements required in subsections (a) and (b) for a period of not less than three years;

Yes – Energy Auction Exchange certifies

- i) 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

Yes – Energy Auction Exchange certifies

- 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].

Yes – Energy Auction Exchange certifies

REPORTING REQUIREMENTS [SECTION 454.110]

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

Energy Auction Exchange agrees

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,

Energy Auction Exchange, LLC

By:   
[Specify officer, agent, or attorney]

Kelly Curtis  
Chief Financial Officer

Attorney for Energy Auction Exchange, LLC:

Christopher Scharman  
Vantus Law  
3165 East Millrock Drive, Suite 160  
Salt Lake City, Utah 84121  
Main: (801) 833-0500  
Direct: (801) 833-0501  
Fax: (801) 931-2500  
chris@vantuslaw.com  
www.vantuslaw.com

VERIFICATION

STATE OF Utah )  
COUNTY OF Salt Lake

Kelly Curtis, 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.

Kelly Curtis   
[Name of person verifying application]

Subscribed and sworn to before me  
this 15 day of June, 2012.

Shauna Huey  
Notary Public

[Stamp of Notary]

