

STATE OF ILLINOIS

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ILLINOIS COMMERCE COMMISSION CHIEF CLERK'S OFFICE

PHALANX ENERGY SERVICES, LLC :

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

Docket No. **12-0471**

APPLICATION

Phalanx Energy Services, 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. Phalanx Energy Services, LLC 1193 Chersonese Round, Mount Pleasant, SC 29464
2. Related Information:
 - Type of business entity: [corporation, LLP, LLC, etc.] : **LLC**
 - Jurisdiction in which and under whose laws business entity was created: **Delaware**
 - Other names under which Applicant does business (D/B/A): **None**
 - Federal Employer Identification Number: **27-5431295**
 - Registered Agent in Illinois:
Illinois Corporation Service Company
801 Adlai Stevenson Drive
Springfield, IL 62703
3. Contact Persons for the following: **SEE ATTACHMENT A**
 - a) issues related to processing this application,
 - b) issues related to retail customers, including complaint resolution, and
 - c) technical issues, including scheduling of generation, transmission, and distribution, and issues arising from relationships with other providers of electric services.

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. Applicant is licensed to do business in the State of Illinois, as demonstrated in **ATTACHMENT B**. [451.20(d)(1)]
6. Phalanx Energy Services, LLC 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)] **AS DEMONSTRATED IN ATTACHMENT C**.
7. Phalanx Energy Services, LLC is a Service-Disabled Veteran Owned Small Business seeking to do business as a Power Marketer for the State of Illinois focused on Defense and GSA electric supply solicitations (industrial and commercial accounts only). **Applicant IS NOT affiliated with an Illinois utility**.
8. Phalanx Energy Services, LLC plans to offer service to commercial and industrial customers in all the territories within the State of Illinois.
9. Phalanx Energy Services, LLC is filing under **Part 451 Subpart C**. Phalanx Energy Services, LLC is proposing to serve commercial and industrial customers that are primarily described as federal installations operated by the Department of Defense (DOD) and General Services Administration (GSA) and intermediate load serving entities such as local municipalities.
10. Applicant notified the designated in-state agent for each affected utility that Applicant intends to serve customers in that utility's service area, as demonstrated in **ATTACHMENT D**. [451.30(c)(3)]
11. Phalanx Energy Services, LLC 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)]
12. Phalanx Energy Services, LLC agrees to submit good faith schedules of transmission and energy in accordance with applicable tariffs. [451.20(a)]
 13. Phalanx Energy Services, LLC 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)]
 14. Phalanx Energy Services, LLC certifies it will procure renewable energy resources as required by Section 16-115D and subsection (d) of Section 16-115 of the Act. [451.20(f)]
 15. Phalanx Energy Services, LLC certifies that it will source electricity from clean coal facilities, as required by Section 16-115(d)(5) of the Act [451.20(g)]
 16. Phalanx Energy Services, LLC 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)]
 17. Phalanx Energy Services, LLC agrees to adopt and follow rules and procedures to preserve the confidentiality of its customer's data. [451.40(b)]
 18. The Commission has not granted Phalanx Energy Services, LLC authority as an ARES.
 19. Phalanx Energy Services, LLC is currently licensed in the State of Maryland and the District of Columbia, as well as a member of PJM. Phalanx Energy Services, LLC **HAS NOT** served any customers to date in neither jurisdiction nor the State of Illinois and therefore does not have any complaints from any regulatory agency, courts, or customers.

LICENSE OR PERMIT BOND [451.50]

20. Phalanx Energy Services, LLC has previously executed and maintains a 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 (**Washington International Insurance Company**). The amount of the bond equals the amount specified in Part 451.50(a) for the appropriate group of customers Phalanx Energy Services, LLC seeks certification to serve (\$150,000.00). The cost of the permit bond was paid for by Phalanx Energy Services, LLC. A copy is attached as **ATTACHMENT E**.

FINANCIAL QUALIFICATIONS [451.220]

21. Phalanx Energy Services, LLC meets the criteria set forth in Part 451.220(a)(3) as demonstrated in **ATTACHMENT F**. Applicant will purchase one hundred percent (100%) of its physical electric energy from PJM and MISO for delivery to the Illinois service territories. The information contained in Attachment F demonstrates that the Applicant is a member of the PJM RTO and currently meets the financial qualifications in Section 451.220(a)(3) for Commonwealth Edison Company's service territory. Phalanx Energy Services, LLC is in the process of becoming a member of MISO, and will not offer service as an ARES in the territories of Ameren Illinois Company ("AIC"), MidAmerican Energy Company ("MEC"), Electric Energy, Inc. ("EEI"), or Mt. Carmel Public Utility Company ("Mt. Carmel"). **Phalanx Energy Services, LLC has been advised the MISO membership approval will not be granted before October 1, 2012.** In order to receive a conditional ARES certificate Phalanx Energy Services, LLC has submitted a corporate affidavit which states the following: 1) Applicant will not serve customers in the MISO delivery area until it becomes a member of MISO, 2) Applicant intends to provide ARES services in the MISO delivery area at a later time, 3) Applicant agrees to submit proof of its MISO membership in a filing in this docket with the Chief Clerk and those on the service list no less than 15 days before delivering power in the service territories of AIC, MEC, EEI and Mt. Carmel, and 4) Applicant agrees to meet any additional notification requirement that the Commission may determine in this proceeding. Said affidavit is also enclosed in Attachment F.
22. Phalanx Energy Services, LLC **WILL NOT** provide electric power and energy with property, plant and equipment that it owns, controls, or operates.

TECHNICAL QUALIFICATIONS [451.230]

23. Phalanx Energy Services, LLC **WILL NOT** use electric generation, transmission or distribution facilities that it owns, controls or operates in serving customers. Phalanx Energy Services, LLC meets the requirements of Part 451.230 as demonstrated in **ATTACHMENT G**.

Phalanx Energy Services, LLC has arranged to provide the following (pursuant to Subpart C):

1. Names of individuals on Phalanx Energy Services, LLC's staff experienced in buying and selling power and energy in wholesale markets.
2. Names of individuals on Phalanx Energy Services, LLC's staff experienced in working for an entity that is either a member of PJM, a market participant in the Midwest ISO, or has a system operator certificate from NERC or has earned Certified Energy Procurement

Professional status by the Association of Energy Engineers (or equivalent certification).

3. A 24 hour scheduling facility for coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation; and

To maintain a telephone number, fax number, and address where its staff can be reached directly at all times. The 24 hour telephone number is

Telephone # 877.818.1011

Fax # 617.595.4427

Address 160 State Street, 10th Floor
Boston, MA 02109

MANAGERIAL QUALIFICATIONS [451.240]

24. Phalanx Energy Services, LLC meets the managerial qualifications set forth in [Part 451.240], as demonstrated in **ATTACHMENT H**. Attachment H includes a chart containing a corporate organizational chart and identifying the persons or agents who are being used to meet the requirements of Part 451.240(b).
25. Phalanx Energy Services, LLC **IS** relying on one or more agents or contractors to meet the technical and managerial requirements and certifies that each such agent or contractor will comply with all the sections of Part 451.240. **ATTACHMENT I**

FINANCIAL QUALIFICATIONS FOR SINGLE BILLING SERVICE [451.510]

26. Phalanx Energy Services, LLC **DOES NOT** seek single billing authorization in this docket.

WHEREFORE, Phalanx Energy Services, LLC requests that the Commission grant its application for service authority to serve commercial and industrial customers in all areas and territories within the State of Illinois.

Respectfully submitted,

PHALANX ENERGY SERVICES, LLC

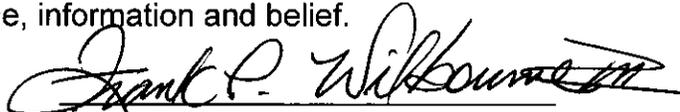
By: 

Frank. P. Wilbourne, III
Managing Member and CEO

VERIFICATION

STATE OF South Carolina)
COUNTY OF Charleston) ss:

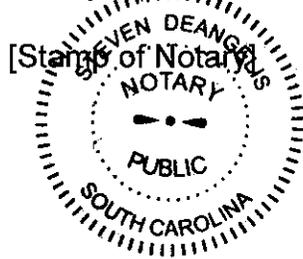
Frank P. Wilbourne, III, being first duly sworn, deposes and says that he is Managing Member and Chief Executive Officer of Phalanx Energy Services, LLC; that he has read the foregoing Application of Phalanx Energy Services, LLC, and all of the attachments accompanying and referred to within the Application; 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.


Frank P. Wilbourne, III

Subscribed and sworn to before me
this 2 day of August, [year]. 2012



Notary Public



My Commission Expires
April 18, 2021