
INTEROFFICE MEMORANDUM

TO: JOHN ALBERS, ADMINISTRATIVE LAW JUDGE
FROM: DOUG SCOTT, CHAIRMAN
SUBJECT: QUESTIONS FOR APPLICANT IN DOCKET NO. 12-0364
DATE: 8/10/2012

As you are aware, at its 7/11/2012 bench session, the Commission voted unanimously for reconsideration of its Order in Docket No. 12-0364, Illinois Energy Aggregation LLC's application for licensure as an agent, broker, and consultant under Section 16-115C of the Public Utilities Act. At our bench session, I indicated that I would develop a memorandum regarding additional questions for the applicant, with the hope that such questions would allow us to more thoroughly explore and evaluate the merits of the company's application, specifically with respect to the sufficiency of its managerial resources.

Below are my questions for the applicant in this matter. My expectation is that the applicant's responses will be thorough, detailed, truthful, and accompanied by a sworn verification.

- 1) Illinois Energy Aggregation's application made May 25, 2012 was filed by Joseph Mario Moreno. Is this the same Joseph Mario Moreno recently charged with bribery by federal law enforcement officers?
- 2) The application's Attachment A indicates that "Joseph Mario Moreno" serves as the company's General Counsel, while "Mario Moreno" is one of its principals. Are Joseph Mario Moreno and Mario Moreno the same person? If not, please explain who Mario Moreno is and provide background on his qualifications (as was done for the other two of the company's principals and its "Primary Energy Consultant" in Attachment B).
- 3) Assuming the answer to question 1) is "yes," when did the company's other principals first learn that Joseph Mario Moreno was being investigated by federal and/or state law enforcement? Along the same lines, when did the company's other principals first learn of the bribery allegations against Joseph Mario Moreno?
- 4) What is the nature of Joseph Mario Moreno's current relationship with Illinois Energy Aggregation LLC? Please provide all contracts, agreements, or other documentation reflecting any changes in staff, management, or ownership that have taken place since the application was initially filed.
- 5) Are there any other energy-related business entities or relationships between any of the principals, employees, or consultants of Illinois Energy Aggregation LLC? Please provide a list of all entities that employ, consult-with, or have as a manager or principal more than one person connected with Illinois Energy Aggregation LLC as a principal, employee, or consultant. To the extent that there are any documents setting out these relationships, please provide copies of all such documentation.
- 6) Paragraph 4 of the application indicates that the applicant "is an energy aggregator, working with villages and municipalities across the state of Illinois." With which villages or municipalities has the applicant worked, and in what specific capacity? Please provide any contracts or other

documentation in support of your response, and please include both formal, memorialized work as well as any informal advice rendered.

- 7) To meet Part 454's technical licensing qualifications requirement, the applicant references the qualifications of its "Primary Energy Consultant" Mark Nakayama. Mr. Nakayama is also referenced to meet the technical qualifications requirement for Navigant Energy LLC (Docket No. 12-0427, currently pending before the Commission) and for JFN Consulting (Docket No. 12-0340, an application also filed by Joseph Mario Moreno). What is the relationship, if any, between JFN Consulting, Navigant Energy LLC, and Illinois Energy Aggregation LLC? Please provide information on any distinctions in the different services provided by these entities, an estimate of the amount of time devoted by Mr. Nakayama to each individual entity, and please disclose any contracts or agreements between any combination of these entities.