

**OFFICIAL FILE**  
**ILLINOIS COMMERCE COMMISSION**  
August 9, 2012

**ORIGINAL**

Elizabeth Rolando, Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, IL 62701

Re: Navigant Energy, LLC ABC License Application  
Docket #12-0427

Dear Ms. Rolando,

I am responding to the Proposed Order sent on July 25<sup>th</sup>, 2012 regarding our application for an ABC license.

At this time, we respectfully withdraw the above referenced application. Please use this letter as a motion to withdraw by letter. Attached is a copy of the Proposed Order received, a copy of the submitted application and my resume.

Should you have any questions, please don't hesitate to contact me.

Sincerely,

  
Mark R. Nakayama, Managing Partner

ILLINOIS COMMERCE  
COMMISSION  
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CHIEF CLERK'S OFFICE



ILLINOIS COMMERCE COMMISSION

July 25, 2012

Navigant Energy LLC

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12-0427

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

**SERVED ELECTRONICALLY**

Mark Nakayama  
Navigant Energy LLC  
7130 Walden Lane  
Darien, IL 60561  
mnakayama@verdesolutions.com

Elena Gallo  
Atty. for Navigant Energy LLC  
Galo Law Group, Ltd.  
621 S. Plymouth Ct.  
Chicago, IL 60605  
elenagaloesq@gmail.com

Dear Sir/Madam:

Attached is a copy of the Proposed Order in the above matter. It is being sent to you pursuant to Section 200.820 of the Commission's Rules of Practice (83 Ill. Adm. Code 200.820).

Under Section 200.830 of the Rules, exceptions to the Proposed Order and replies thereto may be filed by the parties within the time periods established by the rule or such other times as fixed by the Administrative Law Judge. The date for filing briefs on exceptions is fixed at August 3, 2012.

The parties are reminded that pursuant to 83 Ill. Adm. Code 200.830 (b), substitute language is required to be included with exceptions when exception is taken as to a statement or finding of fact in the proposed order. Briefs on exceptions not including such language shall be stricken.

Sincerely,

Elizabeth A. Rolando  
Chief Clerk

EAR:ikb  
Administrative Law Judge Albers

cc: Phil Hardas, ALJ's Assistant, Illinois Commerce Commission, 527 E. Capitol Ave.,  
Springfield, IL 62701, phardas@icc.illinois.gov  
Yassir Rashid, ALJ's Assistant, Illinois Commerce Commission, 527 E. Capitol Ave.,  
Springfield, IL 62701, yrashid@icc.illinois.gov

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Navigant Energy LLC :  
: :  
Application for Licensure of : :  
Agents, Brokers and Consultants : : 12-0427  
under Section 16-115C of the : :  
Public Utilities Act. : :

PROPOSED ORDER

By the Commission:

On July 16, 2012, Navigant Energy LLC ("Applicant") filed a verified application with the Illinois Commerce Commission ("Commission") requesting a certificate of service authority to operate as an agent, broker, or consultant ("ABC") in Illinois pursuant to Section 16-115C of the Public Utilities Act ("Act"), 220 ILCS 5/1-101 et seq., and 83 Ill. Adm. Code 454, "Licensure of Retail Electric Agents, Brokers and Consultants" ("Part 454"). Applicant requests authority to offer services as an ABC for the procurement or sale of retail electricity supply for third parties in the State of Illinois.

After reviewing the application and identifying certain deficiencies therein, the Administrative Law Judge ("ALJ") prepared a ruling seeking information from Applicant to remedy the deficiencies. In preparing to electronically serve the ruling on Applicant, the Chief Clerk's Office realized that it lacked an e-mail address for the attorney Applicant listed at the end of the application. Applicant identified its attorney as:

Elena Gallo  
Galo Law Group, Ltd  
621 S. Plymouth Ct  
Chicago, IL 60605  
312-255-0095

To facilitate electronic service of the ruling, on July 24, 2012 the ALJ attempted to contact Applicant's attorney at the telephone number provided by Applicant. The ALJ called the number twice, but in both instances the male who answered indicated that he did not know an Elena Gallo. The ALJ then used the Illinois Attorney Registration and Disciplinary Commission ("ARDC") website ([www.iardc.org](http://www.iardc.org)) to obtain a telephone number for Ms. Gallo. The ARDC website lists one attorney licensed to practice law in Illinois named "Elena Gallo." The ARDC website provides the following contact information for Ms. Gallo:

Elena Gallo  
Gallo Law Group Ltd  
550 W. Jackson Blvd Ste 1400  
Chicago, IL 60661-5803  
312-870-1582

Upon using the telephone number from the ARDC website, the ALJ spoke to Ms. Gallo on July 24, 2012. Based on that conversation, the ALJ understands that (1) Ms. Gallo does not consider Applicant to be a client, (2) she has no knowledge of Applicant, and (3) she does not know Mark Nakayama, the individual who signed the application. Ms. Gallo's signature does not appear on the application.

The presence of an attorney's name and contact information on a pleading before the Commission is understood to mean that the attorney has knowledge of the filing and represents the filing party. The Commission relies on this information to properly and efficiently process dockets. Regardless of the other deficiencies identified in the review of the application, the presence of an attorney's name, an incorrect telephone number, an address that does not match that in ARDC records, and the named attorney's apparent lack of knowledge of Applicant call into question Applicant's managerial resources. The concern stemming from the false information in the application is sufficient enough to warrant the denial of the requested relief. A Proposed Order denying Applicant an ABC certificate was served on Applicant.

The Commission, having reviewed the entire record, is of the opinion and finds that:

- (1) Applicant, a business organized under the laws of Illinois, seeks a certificate of service authority to operate as an ABC under Section 16-115C of the Act;
- (2) the Commission has jurisdiction over the party hereto and the subject matter hereof;
- (3) Applicant has not demonstrated that it possesses sufficient managerial resources and abilities to provide services as an ABC for the procurement or sale of retail electricity supply to third parties in the State of Illinois; and
- (4) Applicant should be denied a certificate of service authority to operate as an ABC.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the application of Navigant Energy LLC is hereby denied.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

DATED: July 25, 2012

Any Brief on Exceptions must be received by August 3, 2012.

John D. Albers  
Administrative Law Judge

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Navigant Energy LLC :  
:  
Application for Licensure of : Docket No.  
Agents, Brokers, and Consultants :  
under Section 16-115C :  
of the Public Utilities Act. :

APPLICATION

Navigant Energy LLC, 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.

**Navigant Energy LLC  
7130 Walden Lane  
Darien, IL 60561**

2. Related Information:
  - Type of business entity: **LLC**
  - Jurisdiction in which and under whose laws business entity was created: **IL**
  - Other names under which Applicant does business (D/B/A): **N/A**
3. Contact Persons for the following:
  - a) issues related to processing this application and
  - b) issues related to complaint resolution [454.130]

**Both A and B**

**Mark Nakayama, Managing Partner  
Navigant Energy, LLC  
7130 Walden Lane  
Darien, IL 60561  
Phone: (630) 881-0621  
Fax: (888) 783-0381  
mnakayama@verdesolutions.com**

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

**Navigant Energy LLC is a full scale energy and natural gas brokerage, operating in Illinois. Navigant Energy intends to offer competitive quotes to its customers, from various alternative retail energy suppliers**

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)]

**All of the necessary information is located in the supporting documentation.**

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)]

**Elena Gallo  
Attorney At Law  
GALLO LAW GROUP, LTD.  
621 S. Plymouth Court, #1  
Chicago, IL 60605  
Direct Dial (312) 870-1582  
Cell (312) 237-6020  
Fax (312) 896-7390  
E-mail: elenagaloesq@gmail.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.

**Navigant Energy LLC is not listed as a broker in any other jurisdiction and no complaints have been made against Navigant Energy LLC**

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)]

## Form for ABC Applicants

- 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 1. Attachment 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 2 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 1. Attachment 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.

### 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;

## Form for ABC Applicants

- 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;
- 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].

### REPORTING REQUIREMENTS [SECTION 454.110]

13. Navigant Energy LLC agrees to submit reports in accordance with annual reporting requirements. [454.110]

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,

Navigant Energy LLC

By: 

Mark Nakayama

Elena Gallo  
Galo Law Group, Ltd  
621 S Plymouth Ct  
Chicago, IL 60605  
312-255-0095

VERIFICATION

STATE OF IL )  
COUNTY OF Cook )

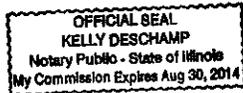
Mark Nakayama, being first duly sworn, deposes and says that she is the Filing Agent for Navigant Energy LLC ; that she has read the foregoing Application of Navigant Energy LLC, and all of the attachments accompanying and referred to within the Application; and that the statements contained in the Application and the attachments are true, correct and complete to the best of her knowledge, information and belief.

  
Mark Nakayama - Filing Agent

Subscribed and sworn to before me  
this 5 day of July, 2012

  
Notary Public

[Stamp of Notary]



Mark R. Nakayama  
7130 Walden Lane, Darien, Illinois 60561  
Phone: (630) 881-0621  
[nakayama.mark@gmail.com](mailto:nakayama.mark@gmail.com)

## **Objective**

To show leadership, managerial and technical experience in energy and natural gas procurement, and sustainable energy product and service offerings

## **Professional Summary**

I'm a proven leader of sales organizations and cross-functional teams primarily in marketing energy and natural gas products. I have experience in opening new markets, a proven ability to manage key account relationships and large-scale projects. I'm experienced with presenting to C-level executives and representing senior management in discussions with others in the company, as well as in recruiting and training on products, salesmanship, and leadership. I'm experienced with developing sales forecasts, compensation plans, and determining new product requirements.

## **Experience**

### ***Illinois Energy Aggregation, LLC, Oak Lawn, Illinois, July 2011—Present, Energy Procurement Consultant***

- Negotiated referral agreements with alternative retail energy suppliers
- Engaged, presented to, and contracted villages and municipalities throughout Illinois, for aggregation consulting services
- Designed and managed request for proposal processes, leading to millions in dollars of savings for entire communities
- Set up and led informational seminars, educating residents on the benefits and low risk of municipal energy aggregation

### ***Global Energy Partners, LLC, Arlington Heights, Illinois, September 2009—May 2012, Managing Partner***

- Negotiated referral agreements with alternative retail energy suppliers
- Attained ABC license with the Illinois Commerce Commission, in the State of Illinois
- Recruited and trained dozens of knowledgeable energy and natural gas procurement consultants
- Managed daily operations, including but not limited to, daily pricing and contract submissions, deal and sales support, reporting, cash flows, and accounts receivables and payables

### ***US First Energy/ Superior Power, Dallas, Texas, December 2006—July 2009, Area Leader August 2007—July 2009***

- Opened new markets in Chicago, New York, and Houston
- Nine consecutive quarters of exceeding quarterly goals
- Recruited, trained and managed sales organization of 27 agents
- Determine sales forecasts and proposed new products
- Analyze competitive product offerings in terms of features and benefits as well as price points

- Lead teams in developing sales and operational processes, present processes to senior management for approval, launch and track processes.
- Conduct training on new product lines, salesmanship, and leadership for the sales organization and other ISO's
- Led a team in analyzing and improving compensation plans

***ASM Writing Group, Chicago, Illinois, May 2005—February 2007; Partner and Business Development***

- Co-founded marketing and documentation agency
- Led guerilla business development campaign resulting in 12 clients retaining our services
- Generated annual revenue of \$396,000, gross income of \$182,000, and a salary of \$58,000
- Built and managed a stable of 8 marketing consultants, creatives and copywriters
- Managed negotiations and relationships with executives and senior management
- Project managed teams comprised of various backgrounds and expertise

**Education**

***University of Illinois at Chicago, Graduated December 2006***

B.S. in Finance and Management