

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE
COMMISSION

ILLINOIS COMMERCE COMMISSION 2012 SEP 14 A 10: 07

HIKO Energy, LLC

CHIEF CLERK'S OFFICE

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

Docket No. 12-0499

APPLICATION

HIKO Energy, 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. Applicant's name and street address: [451.20(c)(1)]

HIKO Energy, LLC

12 College Road

Monsey, NY 10952

2. Related Information:

- Type of business entity: [corporation, LLP, LLC, etc.]
LLC
- Jurisdiction in which and under whose laws business entity was created:
New York
- Other names under which Applicant does business (D/B/A):
N/A
- Federal Employer Identification Number: [451.20(c)(2)]
27-1698954
- Registered Agent in Illinois:
Vcorp Agent Services, Inc.
2920 W. Coyle Avenue
Chicago, IL 60645

3. Contact Persons for the following:

- a) issues related to processing this application,
Shevy Simins

Regulatory Supervisor
12 College Road
Monsey, NY 10952
Phone: 845-406-9100 x 205
Fax: 888-264-6646
Email: ssimins@hikoenergy.com

- b) issues related to retail customers, including complaint resolution, and Shevy Simins
Regulatory Supervisor
12 College Road
Monsey, NY 10952
Phone: 845-406-9100 x 205
Fax: 888-264-6646
Email: ssimins@hikoenergy.com
- c) technical issues, including scheduling of generation, transmission, and distribution, and issues arising from relationships with other providers of electric services.
Marc Reichmann
Operations Manager
12 College Road
Monsey, NY 10952
Phone: 845-406-9100 x 202
Fax: 888-264-6646
Email: mreichmann@hikoenergy.com

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 A. [451.20(d)(1)]
6. Applicant 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)]
7. Applicant's employees that will be installing, operating, and maintaining generation, transmission, or distribution facilities within the State of Illinois, as well as any entity with which the Applicant has contracted to perform those functions, have the requisite knowledge, skills, and competence to perform those functions in a safe and responsible manner in order to provide safe and reliable

service in accordance with the criteria stated in Section 16-128(a) of the Act [220 ILCS 5/16-128(a)], as demonstrated in Attachment __. [451.20(d)(2)] [If applicable]

N/A

8. Description of Applicant's business. Applicant is not affiliated with an Illinois utility. [If applicant is affiliated, identify the utility affiliate and describe the affiliate relationship] [451.30(c)(1)]

HIKO Energy, LLC is an electric and gas supplier for residential and commercial customers.

9. Geographic area in which Applicant seeks to be authorized to offer service (if less than entire State, provide detailed description) and the types of services it intends to offer. [451.30(c)]

HIKO Energy seeks to be authorized to offer services in the entire state of Illinois for residential and commercial consumers.

10. Identification of the Part 451 subpart (Subpart D) under which the applicant is filing. Description of the characteristics of customer group(s) Applicant proposes to serve. [451.30(c)(2)]

HIKO proposes to offer electric supply to all Illinois residential and commercial consumers.

11. 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 B. [451.30(c)(3)]

[Utility designated in-state agents are identified on the Commission's web site: <http://www.icc.illinois.gov/utility/list.aspx?type=electricity>]

12. Applicant 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)]
13. Applicant agrees to submit good faith schedules of transmission and energy in accordance with applicable tariffs. [451.20(a)]
14. Applicant 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)]
15. Applicant shall certify it will procure renewable energy resources as required by Section 16-115D and subsection (d) of Section 16-115 of the Act, or shall certify that Section 16-115D and subsection (d) of Section 16-115 of the Act do not apply to it pursuant to subsection (h) of Section 16-115D of the Act. [451.20(f)].
16. Applicant shall certify that it will source electricity from clean coal facilities, as required by Section 16-115(d)(5) of the Act. [451.20(g)]
17. Applicant 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)]
18. Applicant agrees to adopt and follow rules and procedures to preserve the confidentiality of its customer's data. [451.40(b)]
19. State whether Applicant currently has authority from the Commission to be an ARES, and if so, the Docket Number under which such authority was granted. [(If Applicant currently has a Certificate of Service Authority) Applicant requests that such current authority be consolidated with any authority granted pursuant to this application, under the docket number of this application.]

HICO Energy currently has authority from the Commission to be an ARES under Docket Number 12-0180. HICO requests that the current authority be consolidated with the authority granted pursuant to this application under the docket number of this application.

20. A statement to disclose whether it is licensed as an alternative retail electric supplier in any other jurisdictions, similar to the licensure required under Section 16-115 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.

HICO Energy is a licensed alternative retail electric supplier in the states of New York, New Jersey, Pennsylvania, and Ohio.

HIKO has had complaints filed by the New York Public Service Commission. A report, detailing the nature of the complaints and the resolutions is attached as Attachment C.

HIKO has not had any complaints filed in any other jurisdictions.

LICENSE OR PERMIT BOND [451.50]

21. Applicant is required to execute and maintain a copy of the 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 the amount specified in Part 451.50(a) for the appropriate group of customers the Applicant seeks certification to serve. [Attach a copy of the license or permit bond required by Part 451.50(a) and proof that the surety meets the definition of "qualifying surety" as set forth in Part 451.10.]

[A list of Sureties that meet the definition of "qualifying surety" can be found on the Department of the Treasury's Listing of Approved Sureties (Department Circular 570) (<http://www.fms.treas.gov/c570/c570.html>)]

HIKO has a bond in the name of the People of the State of Illinois issued by Aegis. A copy of the bond is attached as Attachment D.

FINANCIAL QUALIFICATIONS [Clearly state 451.110, 451.220, or 451.320—Not applicable to Subpart E Applicants]

22. Applicant meets one of the six financial criteria set forth in Part 451.320(a)(1-6), as demonstrated in Attachment E. [Attach a copy of the documents that demonstrate that the Applicant meets the applicable criteria. The applicant must state the specific subsection of the financial criteria it seeks to meet] If a Subpart C or D Applicant fails to meet or qualify for certification under Part 451.220(a) or 451.320(a), the Applicant shall so state and provide the information required by Part 451.220(b) or 451.320(b). [An applicant applying under Part 451.220(b) or 451.320(b) should clearly demonstrate that it is unable to meet or qualify for certification under Part 451.220(a) or 451.320(a).]

HIKO Energy meets one of the financial requirements under Part 451.320 (D).

23. Applicant will not provide electric power and energy with property, plant and equipment that it owns, controls, or operates. If Applicant will provide electric power and energy with property, plant and equipment that it owns, controls, or operates, Applicant shall verify that it meets the requirements of Part 451.110(b), 451.220(c), or 451.320(c) for commercial general liability insurance. Attachment ___ shows that the commercial general liability insurance coverage is in the amount of \$___ and shall remain in effect for a period of not less than one year. Attachment ___ shows that the insurers have Best's ratings of A- or better and Best's financial sizes of VII or larger.

TECHNICAL QUALIFICATIONS [Clearly state 451.120, 451.230, 451.330, or 451.420]

24. Applicant will not use electric generation, transmission or distribution facilities that it owns, controls or operates in serving customers.

[Note: Even if applicant will not use electrical generation, transmission, or distribution facilities that it owns, controls or operates in serving customers, the applicant still must demonstrate it satisfies the other technical qualifications contained in Part 451.120, Part 451.230, Part 451.330, or Part 451.420.]

Applicant meets the requirements of Part 451.330 as demonstrated in Attachment F.

[List each technical qualification from the applicable code part, and identify by name the individual(s) on Applicant's staff with relevant experience. The attachment should provide resume information for the named individuals that applicant believes satisfies the applicable technical experience requirements, including the duration of that experience.]

[for Subparts B, C, D, or E] The following individuals on Applicant's staff have experience working with Applicant's facilities or an electric generation, transmission, or distribution facility that is substantially similar to the facility that Applicant owns: [Names of individuals]

N/A

[for Subparts B, C, or D] The following individuals on Applicant's staff have experience buying and selling power and energy in wholesale markets: [Names of individuals]

1. Christopher Prejean

Over 4 years of experience buying and selling energy in wholesale markets, and 4 years electric system operational experience. As the President of Enhanced Energy of America, he is responsible for the daily oversight of gas and electric procurement, operational issues, sales and marketing efforts. Prior to joining Enhanced Energy in 2005, he served as Director of Energy Management Consulting at a national consulting firm. He oversaw the development and implementation of tailored energy strategies for commercial-industrial clients, in a role he assumed following senior energy marketing director positions at Texas-Ohio Gas Companies and Perry Gas Companies. Resume is attached as "Attachment 3C".

Dates: 2005 – Present

2. Bill Glass

Over 4 years of experience buying and selling energy in wholesale markets, and 4 years electric system operational experience. Vice President of Risk Management of Enhanced Energy of America. He has worked in the energy industry and energy financial derivatives markets since 1996. Resume is attached as "Attachment 3D".

Dates: 1996 – Present

3. Ron Lukas

Ron has over 40 years experience in the energy business including executive responsibility at KeySpan over a number of areas in both the regulated and unregulated divisions of the business. On the regulated side these include Regulatory Strategy and Relations and Supply Procurement and Planning for KeySpan's gas LDC's. On the unregulated side these include responsibility for the company's Electric Wholesale Trading business and the electric and gas Retail Commodity businesses. Prior to retiring from KeySpan Ron played a key role in obtaining approval for the \$12B acquisition by National Grid of KeySpan. In that role he provided testimony and directed the rate case team which was responsible for obtaining a \$350M annual rate relief settlement and analyzing gas supply synergies which set major benchmarks used to measure the public interest benefits related to the acquisition. Previously in the Brooklyn Union and Lilco merger Ron directed a team that developed an integrated marketing strategy which was implemented. Ron also worked in strategic planning. Before joining KeySpan in 1978, he was involved in a wide range of rate making activities at American Electric Power and the New York State Public Service Commission.

[for Subparts C or D] The following individuals on Applicant's staff have experience 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): [Names of individuals]

1. Christopher Prejean

2. Bill Glass

3. Ron Lukas

[for Subparts C, D, or E] Applicant agrees to maintain the following telephone number, fax number, and address where Applicant's staff can be directly reached at all times. Applicant understands that maintenance of an answering

service or machine, pager, or similar message-taking procedure does not satisfy this requirement. [451.230(c), 451.330(c), 451.420(b)]

Telephone # 888-264-4908

Fax # 888-264-6646

Address 12 College Road
Monsey, NY 10952

MANAGERIAL QUALIFICATIONS Part 451.340

25. Applicant meets the managerial qualifications set forth in 451.340 (not applicable to Subpart E Applicants), as demonstrated in Attachment G-1. Attachment G-2 includes an exhibit containing a corporate organizational chart and identifying the persons or agents who are being used to meet each of the requirements of Part [list applicable code part: 451.130(b), 451.240(b), or 451.340(b)].

[List each of the managerial qualifications from the applicable code part, and identify by name the individual(s) on Applicant's staff with relevant experience. The attachment should provide resume information for the named individuals that applicant believes satisfies the applicable managerial experience requirements, including the duration of that experience.]

[for Subpart B applicants] The following individual in a management position on Applicant's staff has three or more years experience in a business enterprise:
[Name of individual]

Harvey Klein

15 years of experience with enterprise financial and administration responsibilities including profit and loss responsibilities. He owned and managed King Ventures for 15 years, as well as being the CEO of HIKO for the last two years. He deals with the financial and managerial aspects of the company.
January 1997 – Present

[for Subpart C or D applicants] The following individuals in management positions on Applicant's staff have four years experience with enterprise financial and administration responsibilities including profit and loss responsibilities: [Names of individuals] [Note: Subpart C requires one individual and Subpart D requires three]

1. Harvey Klein
2. Brian Gottesman

2009 - present

3. Israel Orzel

Mr. Orzel has 23 years of experience with enterprise financial and administration responsibilities including profit and loss responsibilities. He is an owner and manager of 8 adult healthcare facilities, as well as the Chairman of HIKO Energy. He deals with the financial and managerial aspects of the company.

January 1989 – Present

[for Subpart D applicants] The following three individuals in management positions on Applicant's staff have four years experience buying and selling power and energy in wholesale markets: [Names of individuals]

1. Christopher Prejean
2. Bill Glass
3. Ron Lukas

[for Subpart D applicants] The following three individuals in management positions on Applicant's staff have four years electric system operational experience: [Names of individuals]

1. Christopher Prejean
2. Bill Glass
3. Ron Lukas

26. Applicant is relying on one or more agents or contractors to meet the technical and managerial requirements of Part 451.120 and 451.130, 451.230 and 451.240, 451.330 and 451.340, or 451.420. [(If Applicant is relying on such agents or contractors)] Each agent and contractor on whom the Applicant relies to meet these requirements is disclosed on Attachment H. Attachment should include narrative and/or resumes of agent's or contractor's key personnel showing clearly how each applicable technical or managerial experience requirement is being met. [451.140(a), 451.250(a), 451.350(a), or 451.430(a)] Applicant certifies that each such agent or contractor will comply with all the sections of Part 451 that are applicable to the functions to be performed by the

respective agent or contractor. [451.140(b), 451.250(b), 451.350(b), or 451.430(b)]

FINANCIAL QUALIFICATIONS FOR SINGLE BILLING SERVICE [451.510]

27. Applicant does not intend to provide single billing services. [(If Applicant intends to provide single billing services) A demonstration that Applicant meets one of the four creditworthiness standards as required in Part 451.510 is set forth in Attachment __.]

GENERAL PROVISIONS FOR APPLICANTS FILING UNDER SUBPART D [451.310]

28. Applicant has been denied an electric supplier license in any state in the United States. Attachment J provides details about each denial, including the name, date, case number, and jurisdiction of the denied application. [451.310(c)(1)]
29. Applicant has not had an electric supplier license suspended or revoked by any state in the United States. Attachment __ provides details about each suspension/revocation, including the name, date, case number, and jurisdiction of the suspension/revocation order. [451.310(c)(2)]
30. Applicant does not have other electric supplier license applications pending in the United States: [List each state in which an application is pending, if applicable]. [451.310(c)(3)]
31. Applicant is not the subject of any lawsuits that were filed in a court of law. HIKO Energy is the subject of formal complaints that were filed with a regulatory agency alleging fraud, deception or unfair marketing practices, or other similar allegations. Attachment C provides details about each such lawsuit and/or complaint, including the name, date, case number, and jurisdiction of the lawsuit/complaint. [Note that for the purpose of this entry, formal complaints include only those complaints that seek a binding determination from a state or federal regulatory body.] [451.310(c)(4)]
32. Applicant certifies that its marketing materials which make statements concerning prices, terms and conditions of service contain information that adequately discloses the prices, terms and conditions of the products or services that the Applicant is offering or selling to the customer. [451.310(d)(1)]
33. Applicant certifies that before any customer is switched from another supplier, Applicant will give the customer written information that adequately discloses, in plain language, the prices, terms and conditions of the products and services being offered and sold to the customer. [451.310(d)(2)]
34. Applicant certifies it will provide documentation to the Commission and to customers that substantiates any claims made by the Applicant regarding the technologies and fuel types used to generate the electricity offered or sold to customers. [451.310(d)(3)]

35. Applicant certifies it will provide to the customer itemized billing statements that describe the products and services provided to the customer and their prices, and provide an additional statement, at least annually, that adequately discloses the average monthly prices, and the terms and conditions, of the products and services sold to the customer. [451.310(d)(4)]
36. Applicant certifies it will include materials comprising the consumer education program (pursuant to Section 16-117 of the Act [220 ILCS 5/16-117]) with all initial mailings to potential residential and small commercial retail customers and before executing any agreements or contracts with such customers, and that Applicant will provide these materials at no charge to residential and small commercial retail customers upon request. [451.310(e) and 451.310(f)]
37. Applicant certifies it will provide to residential and small commercial retail customers on a semiannual basis information on how to obtain a list of alternative retail electric suppliers that have been found in the last 3 years by the Commission (pursuant to Section 10-108 of the Act [220 ILCS 5/10-108]) to have failed to provide service in accordance with the terms of their contracts (pursuant to Section 16-117(g)(4)(C) of the Act). [451.310(g)]
38. Applicant certifies it will maintain sufficient managerial resources and abilities to provide the service for which it has a certificate of authority. [451.340(d)]

WHEREFORE, Applicant requests that the Commission grant its application for service authority to serve retail customers [identify the characteristics of the customer group(s) that Applicant proposed to serve] in [describe area for which certification is sought, as in paragraph 7 above].

Respectfully submitted,

HIKO Energy, LLC

By:



Shery Simins
Regulatory Supervisor

Law Offices of Usher Fogel
557 Central Avenue
Suite 4A
Cedarhurst, NY 11516
516-374-8400 x 308

