



NavigatePower

Navigate Power, LLC
Formerly Navigant Energy, LLC
2211 North Elston Avenue, Suite 309
Chicago, IL 60614

Illinois Commerce Commission
527 East Capitol Avenue,
Springfield, IL 62701
c/o Elizabeth A. Rolando, Chief Clerk

Docket Number: 12-0527

9/29/11
ILLINOIS COMMERCE
COMMISSION

2012 OCT 17 P 1:47

CHIEF CLERK'S OFFICE

ORIGINAL

RE: REPLY TO NOTICE OF ADMINISTRATIVE LAW JUDGE'S RULING

Navigant Energy, LLC has recently changed its name to Navigate Power, LLC and is recognized legal entity in the state of Illinois. Please see the attached screen shot of the Illinois Secretary of State's Cyber Drive, showing the official LLC name change.

- 1. On August 21, 2012, the Commission entered an Order in Docket No. 12-0427 dismissing an earlier application filed by Applicant seeking the same relief. The Commission based the dismissal of Docket No. 12-0427 on significant irregularities concerning the individual Applicant named as its attorney in that docket. Applicant's currently pending application identifies the same individual as its attorney. Please address in detail the irregularities discussed in the Order in Docket No. 12-0427.**

Navigant Energy had not officially retained Elena Gallo and Gallo Law Group as its attorney at the time it filed its initial application, and as a result, Elena Gallo was not aware of the filing or the pending application. After the initial application was withdrawn, Navigant contacted Ms. Gallo, and requested a consultation. She agreed to represent Navigant and has been officially retained. The discrepancy was a mere oversight in timing between filing the application and contacting Ms. Gallo. She has previously worked with one of the Members of Navigant on other matters, and Navigant made the assumption that she would also handle this filing. Should you have any questions, please contact Ms. Gallo directly at 312.870.1582, or via email at elenagallosq@gmail.com.

- 2. Attachment A to the application identifies Mark Nakayama as a "managing partner" of Applicant. Please confirm that this designation means that Mr. Nakayama is an owner of Applicant, and not simply a hired consultant. Please also identify all those with an ownership interest in Applicant by name and title, if any.**

Mark Nakayama is an owner with a 50% equity position in Navigant Energy, LLC. His partner, Chris Gersch is also an owner with a 50% equity position in Navigant Energy, LLC.

- 3. Please indicate whether Applicant has any connection with Navigant Consulting, Inc., the global consulting firm.**

There is no connection between Navigant Energy, LLC and Navigant Consulting, Inc. Navigant Energy has officially changed name to Navigate Power, LLC as a result of notification by Navigant Consulting that Navigant Consulting owned the trademark on the name Navigant Energy. As a result of the completion of the name change, the company formerly known as Navigant Energy, LLC is looking to have its ABC License approved under its new name, Navigate Power, LLC.

- 4. Global Energy Partners, LLC initiated Docket No. 10-0483 on August 2, 2010. Attachment B to the application in Docket No. 10-0483 contained Mr. Nakayama's biography. Mr. Nakayama's biography in Docket No. 10-0483 indicated that he was employed by US First Energy/Superior Power, Dallas, Texas for the period "December 2006-Present," which means that he was employed by US First Energy/Superior Power until at least August of 2010. In Docket No. 12-0527, Attachment B to the application indicates that Mr. Nakayama was employed by US First Energy/Superior Power from "December 2006-July 2009." Please explain this discrepancy.**

The relationship between Mark Nakayama and US First Energy/ Superior Power was defined as an independent contractor position. Mark Nakayama stopped working with US First Energy/ Superior Power in July 2009, but was still receiving residual income for the next year through August, 2010. Regarding Docket No. 12-0527, Attachment B to the application was updated to more clearly define Mark Nakayama's work history.

- 5. Applicant initiated Docket No. 12-0427 on July 16, 2012. Attachment 2 to the application in Docket No. 12-0427 indicates that Mr. Nakayama was a "Partner and Director of Sales" with Global Energy Partners, LLC from "August 2009-Present," which means that he was associated with Global Energy Partners, LLC until at least July of 2012. In Docket No. 12-0527, Attachment B to the application indicates that Mr. Nakayama was a "Managing Partner" with Global Energy Partners, LLC from "September 2009-May 2012." Please explain this discrepancy.**

Mark Nakayama left his day-to-day position with Global Energy Partner, LLC in May 2012. He was still responsible for helping Global Energy Partners, LLC ("GEP") pricing and processing deals and through June 2012, at which point, Mark Nakayama fully left his position at GEP and fully transitioned into his current position of Managing Partner of Navigant Energy, LLC. Regarding Docket No. 12-0527, Attachment B to the application was updated to more clearly define Mark Nakayama's work history.

- 6. Attachment 2 to the application in Docket No. 12-0427 indicates that Mr. Nakayama "continues to function as an energy consultant with JFN Consulting, Inc.," but does not otherwise list that role or identify his responsibilities under that role as part of his experience. In Docket No. 12-0527, Attachment B contains no mention of JFN Consulting, Inc. Please explain this discrepancy.**

Mark Nakayama was an independent contractor, lending his experience and expertise to JFN Consulting, Inc. on a contractual basis that terminated between the submission of the application in Docket No. 12-0427 and the submission of the application in Docket No 12-0527.

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Technical Requirements

- 7. Section 454.70(a) of 83 Ill. Adm. Code 454 states, “[an] applicant shall be deemed to possess sufficient technical capabilities to provide agency, brokering or consulting services if the applicant can demonstrate that it has had experience in the electric industry of at least one year.” Although the information included in Attachment B to the application demonstrates that Mr. Nakayama has more than one year in the energy industry, it does not explicitly indicate that this experience is in the electric industry. Please clarify in which industry Mr. Nakayama gained his experience.**

The terms “energy” or “power” was meant to be synonymous with “electric” or “electricity” for the purposes of the application in Docket No. 12-0527.

Sincerely,



Mark Nakayama

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

VERIFICATION

STATE OF ILLINOIS

COUNTY OF DUPAGE

Mark Nakayama being first duly sworn, deposes and says that he is Managing Partner for Navigate Power, LLC; that he has read the foregoing Application of Navigate Power, 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.



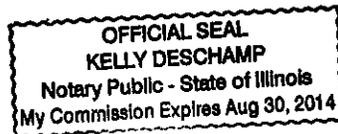
Mark Nakayama

Managing Partner, Navigate Power, LLC

To be completed by a Notary Public

Subscribed and sworn to before me

this 13 day of October, 2012



Notary Public