

STATE OF ILLINOIS

2012 NOV -5 A 10: 32

ILLINOIS COMMERCE COMMISSION

CHIEF CLERK'S OFFICE

Commercial Utility Consultants, Inc. :

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

Docket No.

12-0593

APPLICATION

Commercial Utility Consultants, Inc. ("Applicant"), 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.

Commercial Utility Consultants, Inc.  
1556 McDaniel Drive  
West Chester, PA 19380

2. Related Information:

- Type of business entity: Corporation
- Jurisdiction in which and under whose laws business entity was created: PA
- Other names under which Applicant does business (D/B/A): Commercial Utility Consultants

3. Contact Persons for the following:

- a) issues related to processing this application and
- b) issues related to complaint resolution [454.130]

Provide each contact person's name, title, mailing address, telephone number, and e-mail address for a) and b).

A & B) Martin F. Brown, Vice President  
1556 McDaniel Drive, West Chester, PA 19380  
610-431-4400, marty@commercialutility.com

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

**Commercial Utility Consultants (CUC)** has been in business since 1975\*. We are a utility consulting firm with headquarters located in West Chester, PA. CUC specializes in utility rate analysis for electric, gas, water/sewer and telephone. CUC serves Industrial and Commercial accounts. Our job is and has always been to assist our clients in saving money on their utility bills. Most of the 8,000 plus clients with whom we have worked are located in the Mid-Atlantic Region. CUC's analysts are experts in every aspect of dealing with utilities. In fact, many of our analysts are former employees of major utilities such as PECO Energy, PPL Electric and Philadelphia Gas Works (PGW). CUC has been active in electric deregulation since its inception in Pennsylvania in 1997. CUC has an EGS license for broker/marketer activities in Pennsylvania, Delaware, Maryland, Massachusetts, New Jersey, Ohio and Maine. We have broker/agent relationships with every major supplier of electric and gas in the markets that we serve. We offer our clients an auction type environment where we solicit competitive bids from several suppliers for that service territory. CUC ranks the supplier bid results and presents them to the prospective customer for their review and selection, if they so choose.

\*Please note that Commercial Utility Consultants started as a partnership in 1975 and became incorporated in the State of Pennsylvania in 1996 (Commercial Utility Consultants, Inc.). Commercial Utility Consultants is a fictitious name registered with the State of Pennsylvania.

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)]

We, Commercial Utility Consultants, Inc. (CUC) have read, understood and meet all requirements of Section 16-115C including technical and managerial competence as well as financial responsibility. In addition, CUC will comply with all of the requirements of interaction with potential customers and requirements of the State of Illinois.

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)]

National Registered Agents, Inc.  
200 West Adams Street Suite 2007  
Chicago, 60606 T – 800-934-2556, F – 312-346-3607, info@nrai.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.

Commercial Utility Consultants, Inc. (CUC) has an EGS license for broker marketer activities in Pennsylvania, Delaware, Maryland, Massachusetts, New Jersey, Ohio and Maine. We have broker/agent relationships with every major supplier of electric and gas in the markets that we serve. CUC has been in business since 1975. **We have never had a complaint filed against our company at any level nor by any authority in any jurisdiction of the United State of America or anywhere else for that matter in our entire history.**

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)]
  - 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 A. Attachment A 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 A 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.]

**Please see Attachment "A"**

TECHNICAL LICENSING QUALIFICATIONS [Section 454.70]

10. Applicant meets the technical qualifications set forth in Part 454.70, as demonstrated in Attachment B. Attachment B 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). [The attachment shall identify the persons who are being used to meet each of the requirements of Part

454.70. Attachment should include narrative and/or resumes of key personnel showing clearly how the technical experience requirement is being met.]

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. [Attach the license or permit bond required by Part 454.80(a) and proof that the surety meets the definition of "qualifying surety" as set forth in Part 454.10.]

[Department of the Treasury's Listing of Approved Sureties (Department Circular 570) (<http://www.fms.treas.gov/c570/c570.html>)]

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;
- 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. Applicant agrees to submit reports in accordance with annual reporting requirements. [454.110]

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,

Commercial Utility Consultants, Inc.

By: \_\_\_\_\_

Joseph P. McGillian, Officer

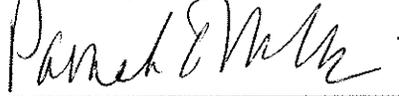
VERIFICATION

STATE OF PENNSYLVANIA  
COUNTY OF DELAWARE

Joseph P. Mc Gillian, being first duly sworn, deposes and says that he is the President, Owner and Officer for Commercial Utility Consultants, Inc.; that he has read the foregoing Application of Commercial Utility Consultants, Inc., 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.

  
\_\_\_\_\_  
Joseph P. Mc Gillian

Subscribed and sworn to before me  
this 24th day of October, 2012.

  
\_\_\_\_\_  
Notary Public

