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COMMISSION

2012 DEC 12 A 10: 26

CHIEF CLERK'S OFFICE

ABC Energy Solutions, Inc.)
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)
In re: *Application of*)
for Licensure of Agents,)
Brokers, and Consultants)
under Section 16-115C)
of the Public Utilities Act.)

Docket No. 12-0671

APPLICATION

ABC Energy Solutions, Inc. ("Applicant"), hereby requests that the Illinois Commerce Commission ("Commission") grant it a broker's license pursuant to Section 16-115C of the Public Utilities Act ("Act"). In support of its application, Applicant states as follows:

GENERAL

1. Applicant's name and street address.

**ABC Energy Solutions, Inc.
Andrzej Mitkowski, President
200 Thames Pkwy. #2B
Park Ridge, IL 60068**

2. Related Information:

- Type of business entity: **C Corporation**
- Jurisdiction in which and under whose laws business entity was created:
Illinois
- Other names under which Applicant does business (D/B/A): **None**

3. Contact Persons for the following:

a) Issues related to processing this application

Andrzej Mitkowski
President, ABC Energy Solutions
200 Thames Pkwy. #2B
Park Ridge IL. 60068
(773) 991-2988 (ph,)
(708) 867-7881 (fax)
Andy@abcenergysolutions.com

- b) issues related to complaint resolution

William F. Hurley, Esq.
W.F. Hurley Group, Ltd.
Counsel to ABC Energy Solutions, Inc.
415 N. LaSalle Street, Suite 600
Chicago, IL 60054
(312) 464-9840
(312) 464-9845
wfhurleygroup@sbcglobal.net

4. Description of Applicant's business:

Applicant, ABC Energy Solutions Inc. is an electricity and natural gas brokerage, helping residential and commercial customers to better understand their options in selecting an alternative retail energy supplier. Applicant will also be doing business with Illinois domiciled businesses in procuring bids for said firms to purchase their energy supply requirements from electricity suppliers licensed in the State of Illinois. As an owner and operator of the company Andrzej Mitkowski will be working with an established client base and plans to develop new clients. Our value proposition is to bring transparency and understanding to pricing, contract negotiation, and electricity and natural gas supply bills.

5. A statement in support of application certifying the applicant meets the requirements of Section 16-115C of the Act: **See Attachment A and related addendums.**
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.

Mr. Andrzej Mitkowski
200 Thames Pkwy. #2B
Park Ridge, IL. 60068
(773) 991-2988 (ph.)
(708) 867-7881 (fax)
Andy@abcenergysolutions.com

7. Applicant certifies that it does not operate as an agent, broker or consultant in the relevant industry nor any other business in any jurisdiction outside of Illinois. Applicant further certifies that it has had no complaints filed against it for its provision of any services in the electric or gas industry in this or any other jurisdiction.
8. Applicant further 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 B**. The document known as **Attachment B**, attached hereto, 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 B** 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).

TECHNICAL LICENSING QUALIFICATIONS [Section 454.70]

10. Applicant meets the technical qualifications set forth in Part 454.70, as demonstrated in **Attachment B**. The document known as **Attachment B**, attached hereto, 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. A true and correct copy of said bond is attached hereto.

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

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]

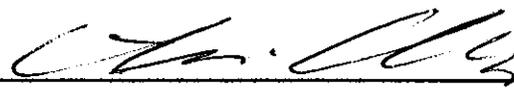
- 13. Applicant hereby agrees to submit reports in accordance with annual reporting requirements. [454.110]

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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,

ABC ENERGY SOLUTIONS, INC.

By: 
Andrzej Mitkowski, President.

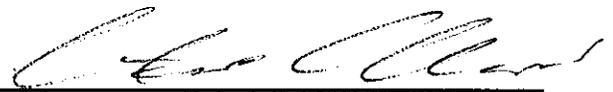
William F. Hurley, Esq.
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wfhurleygroup@sbcglobal.net

VERIFICATION

STATE OF ILLINOIS

COUNTY OF COOK

Andrzej Mitkowski, being first duly sworn, deposes and says that he is the President of Applicant; that he has read the foregoing Application of Applicant, 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.

X 

Andrzej Mitkowski

To be completed by a Notary Public

Subscribed and sworn to before me

this 10th day of December, 2012



Notary Public

stamp here

