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ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS
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BEST POWER, LLC]

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

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CHIEF CLERK'S OFFICE
Docket No. 13-0123

APPLICATION

BEST POWER, LLC ("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.

BEST POWER, LLC
7821 N. DALE MABRY HWY., #214
TAMPA, FL 33614

2. Related Information:

- Type of business entity: **LLC**
- Jurisdiction in which and under whose laws business entity was created: **FLORIDA**
- Other names under which Applicant does business (D/B/A): **NONE**

3. Contact Persons for the following:

a) issues related to processing this application [454.130]

LYNDI DEMERS
VICE OPERATING MANAGER
7821 N. DALE MABRY HWY #214
TAMPA, FL 33614
800-489-7143
LDEMERS@BESTPOWERCHOICE.COM

- b) issues related to complaint resolution [454.130]

**LYNDI DEMERS
VICE OPERATING MANAGER
7821 N. DALE MABRY HWY #214
TAMPA, FL 33614
800-489-7143
LDEMERS@BESTPOWERCHOICE.COM**

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

To provide aggregation and electric broker services to all utilities in IL to include ComEd and Ameren.

- 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)]

- 1) Description of the applicant's business:

Best Power, LLC has been in business since June 2011 and is presently licensed in PA and OH as energy consultants/brokers. We are licensed to do business in the State of Illinois and is in compliance with all other applicable laws, regulations, and commissions rules and orders. Our primary clients are commercial/industrial clients in all Illinois territories to include ComEd and Ameren utility areas. However, Best Power, LLC will also offer electric broker services to some residential or small commercial retail customers with no limitations imposing the number of customers or maximum load to be served.

- 2) A certification that the applicant 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:

Best Power, LLC is licensed to do business in Illinois and is in compliance with all other applicable laws, regulations, and commission rules and orders.

See exhibit: 5-2A - LICENSE TO DO BUSINESS IN ILLINOIS

- 2) The name, address, telephone number, any facsimile number and any email address of the agent registered with the Illinois Secretary of State.

**C T Corporation System
208 South LaSalle Street
Suite 814
Chicago, IL 60604
Office: 800 925-7562
Fax: 877-850-5194**

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)]

**C T Corporation System
208 South LaSalle Street
Suite 814
Chicago, IL 60604
Office: 800 925-7562
Fax: 877-850-5194**

7. A statement to disclose whether the Applicant operates as an agent, broker, or consultant in any other jurisdictions in a manner similar to that contemplated under Section 16-115C of the Act. Additionally, regardless of whether Applicant operates as an agent, broker, or consultant in Illinois or any other jurisdiction, 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 any such complaints exist, the Applicant is directed to include in its response the nature of the complaint, the jurisdiction, and the ultimate resolution.

See exhibit: 7A – copy of license in PA and OHIO.

Best Power, LLC currently operates in Pennsylvania as a broker/marketer and Ohio as an aggregation and power broker. Best Power, LLC is certified as a competitive retail Electric Service Provider to provide aggregation and power broker services within the state of Ohio and also has to the approval to offer, render, furnish or supply electric generation supplier services as a broker/marketer to residential, small commercial, large commercial,

industrial customers, and governmental customers throughout the commonwealth of Pennsylvania.

Best Power, LLC has had (0) complaints filed against it for its provision of any services in the electric or gas industry in any jurisdiction.

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)]

See Exhibits: 8A - LICENSE TO DO BUSINESS IN ILLINOIS

8B – PERMIT BOND NO: 1091766

Best Power, LLC is in compliance with all other applicable laws, regulations and commission rules and orders pursuant to (454.40©(2)).

b) shall comply with all terms and conditions required by Section 16-115C of the Act; [454.40(d)(2)]

Best Power, LLC shall comply with all applicable federal, State, regional and industry rules, policies, practices and procedures for the use, operation, and maintenance of the safety, integrity and reliability, of the interconnected electric transmission system.

Best Power, LLC receives their certificate of service authority in Illinois and intends to mainly offer electric broker services to Commercial/Industrial clients in all Illinois territories to include the ComEd and Ameren utility areas and only areas that are eligible to take delivery services. However, Best Power, LLC will also offer electric broker services to some residential or small commercial retail customers with no limitations imposing the number of customers or maximum load to be served.

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)]

Best Power LLC will only provide service to retail customers in an electric utility's service area that are eligible to take delivery services under this Act.

- d) shall remain in compliance with the provisions of the Act and Part 454; [454.50]

Best Power, LLC shall remain in compliance with the provisions of the Act and this Part.

- 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)]

Best Power, LLC 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.

- f) shall preserve the confidentiality of its customers' data. [454.100(b)]

Best Power, LLC shall preserve the confidentiality of its customers' data.

MANAGERIAL LICENSING QUALIFICATIONS [Section 454.60]

9.

SEE EXHIBITS 9A – EXPERIENCE OF APPLICANT
9B – CORPORATE STRUCTURE
9C - RESUME FOR DEAN GRUBER
9D - RESUME FOR LYNDI DEMERS

Applicant meets the managerial qualifications set forth in Part 454.60, as demonstrated in Exhibits 9A and 9B which 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) to include an exhibit containing occupational background information on the person or persons who are being used to meet the requirements of Part 454.60(a). **Resumes for both Dean Gruber, Operating Manager and Lyndi Demers, Vice Operating Manager. See Exhibits 9C & 9D.**

TECHNICAL LICENSING QUALIFICATIONS [Section 454.70]

9. SEE ATTACHED EXHIBITS 10A

Applicant meets the technical qualifications set forth in Part 454.70, as demonstrated in **Exhibits 10A and 10B** which contains 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. **To comply with the financial licensing requirements of this application as a broker, please find attached exhibit 8B:**

SEE ATTACHED LICENSE OR PERMIT BOND: 8B

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].

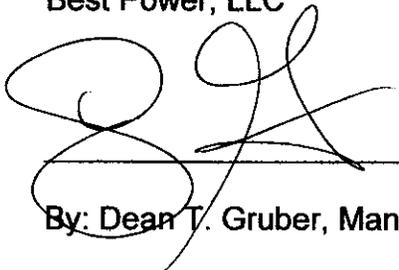
REPORTING REQUIREMENTS [SECTION 454.110]

- a) 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,

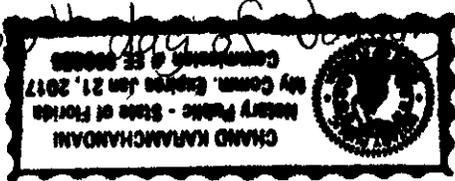
Best Power, LLC



By: Dean T. Gruber, Managing Director

Subscribed and sworn to before me

this 3rd day of January 2013




MARK F MOONEY, PA
 LAW OFFICES OF MARK F. MOONEY, PA
 1211 W. FLETCHER AVE
 TAMPA, FL 33612
 OFFICE 813.265.3120
 FAX 813-265-3110

VERIFICATION

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

Dean T. Gruber, being first duly sworn, deposes and says that he is the Managing Director of Best Power, LLC; that he has read the foregoing Application of Best 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.

1-30-13

DATE



Dean T. Gruber

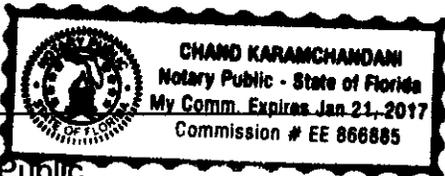
Managing Director/Operating Manager

To be completed by a Notary Public

Subscribed and sworn to before me

this 30 day of Jan, 2013





Notary Public