

**OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION**

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ORIGINAL

HB Hayes & Associates LLC d//b/a/ Alternative Energy Source

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

Docket No. 13-0439

APPLICATION

HB Hayes & Associates LLC d//b/a/ Alternative Energy Source ("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.

**HB Hayes & Associates LLC d//b/a/ Alternative Energy Source
8225 Farnsworth Rd
Waterville, Ohio 43566**

2. Related Information:

- **Ohio Limited Liability Company**
- **Ohio**
- **Alternative Energy Source**

3. Contact Persons for the following:

- a) issues related to processing this application [454.130]

**Huck B Hayes
Vice President
8225 Farnsworth Rd
Waterville, Ohio 43566
Phone: 866-646-7322
E-mail: Huckhayes@aes-energ.com**

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- b) issues related to complaint resolution [454.130]

Huck B Hayes
Vice President
8225 Farnsworth Rd
Waterville, Ohio 43566
Phone: 866-646-7322
E-mail: Huckhayes@aes-energ.com

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

Alternative Energy Source is a privately owned energy consulting firm specializing in helping commercial and industrial companies procure their natural gas and electricity. We are engaged in energy sourcing, supply negotiations, supply management and demand response solutions for our clients.

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)]

Applicant certifies that it meets all requirements of 220 ILCS 5/16-115C as required by Section 454.40(d)(1) of the Illinois Administrative Code; and has answered the questions on the application correctly, truthfully, and completely and provided supporting documentation as required.

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)]

Illinois Corporation Service Company
801 Adlai Stevenson Drive
Springfield, IL 62703
800-927-9801
www.cscglobal.com

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.

Applicant certifies that it is licensed in the following states as Agent, Broker, or Consultant in:

OH - Electricity / License # 09-180 E (2)
OH - Natural Gas / License # 09-169 G (2)
PA - Electricity / License # A-2011-2258266

Alternative Energy Source has not received any formal actions or complaints to date in the electric industry, in this or any other 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)]

Refer to Attachment A

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

Applicant agrees to comply

- 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)]

Applicant and any person who acts on behalf of the entity agrees to comply

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

Applicant agrees to comply

- 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)]

Applicant agrees to comply

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

Applicant agrees to comply

MANAGERIAL LICENSING QUALIFICATIONS [Section 454.60]

9. Applicant meets the managerial qualifications set forth in Part 454.60, as demonstrated in **Attachment B**. **Attachment B** 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**. **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).

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.

Refer to Attachment C

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;

Applicant agrees to comply

- b) Prior to the customer signing a contract, disclose that they are not employed by the electric utility operating in the applicable service territory;

Applicant agrees to comply

- 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;

Applicant agrees to comply

- d) Any disclosure required by subsection (c) must be made prior to entering into the contract and signed by the customer;

Applicant agrees to comply

- 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;

Applicant agrees to comply, if applicable

- 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;

Applicant agrees to comply

- g) Not utilize false, misleading, materially inaccurate, defamatory or otherwise deceptive language or materials in the soliciting or providing of its services;

Applicant agrees to comply

- h) Maintain copies of all marketing materials disseminated to third parties for a period of not less than three years;

Applicant agrees to comply

- i) Maintain copies of all disclosure statements required in subsections (a) and (b) for a period of not less than three years;

Applicant agrees to comply

- 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

Applicant agrees to comply

- 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].

Applicant agrees to comply

REPORTING REQUIREMENTS [SECTION 454.110]

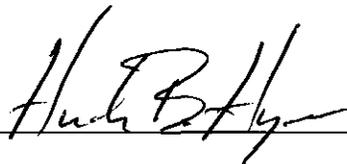
13. Applicant agrees to submit reports in accordance with annual reporting requirements. [454.110]

Applicant agrees to comply

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,

HB Hayes & Associates, LLC



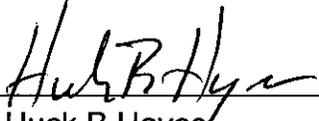
By: Huck B. Hayes, Member/Vice President

VERIFICATION

STATE OF OHIO

COUNTY OF LUCAS

Huck B Hayes, being first duly sworn, deposes and says that he is the Vice President of HB Hayes & Associates LLC d/b/a Alternative Energy Source; that he has read the foregoing Application of HB Hayes & Associates LLC d/b/a Alternative Energy Source, 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.



Huck B Hayes

To be completed by a Notary Public

Subscribed and sworn to before me

this 3 day of July, 2013



Rebecca S. Hickman

Notary Public



REBECCA S. HICKMAN
Notary Public, State of Ohio
My Comm. Expires Oct. 11, 2017