

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

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CHIEF CLERK'S OFFICE *MM*

MP2 Energy NE LLC :  
:  
Application for Certificate of :  
Service Authority under Section :  
16-115 of the Public Utilities Act. :

Docket No. **A-0111**

APPLICATION

MP2 Energy NE LLC ("Applicant"), hereby requests that the Illinois Commerce Commission ("Commission") grant it a certificate of service authority pursuant to Section 16-115 of the Public Utilities Act ("Act"). MP2 Energy NE LLC is filing under Subpart D of Part 451. In support of its application, Applicant states as follows:

REQUIREMENTS FOR ALL APPLICANTS [451.20]

1. Applicant does not currently have authority from the Commission to be an ARES; however, Applicant's affiliate, MP2 Energy IL LLC ("MP2IL"), was granted authority under Subpart D of Part 451 of the Act in Docket Number 13-0200. Applicant and MP2IL are wholly-owned subsidiaries of MP2 Energy LLC ("MP2 Energy"). MP2 Energy has decided to conduct all of its retail business in the PJM Interconnection ("PJM") market using the Applicant, as opposed to creating separate state-specific MP2 subsidiaries. Upon certification from the Commission, Applicant will transition the customers of MP2IL to Applicant, honor all contracts for customers served by MP2IL, and provide any needed notices to complete the transition. Once the certification and transition are complete, MP Energy plans to dissolve (terminate) MP2IL.
2. Applicant is licensed as a retail electric supplier in New Jersey, Ohio and Pennsylvania but is not yet currently active in New Jersey and Ohio. Applicant has not had any complaints filed against it.

Applicant's affiliate, MP2 Energy Texas LLC ("MP2TX"), which is a licensed retail electric provider in Texas, has had two complaints filed against it, and both were resolved with no penalty. The first complaint (CP2011020502, 02/11/2011) was an allegation of an unauthorized switch in retail electric service. The Texas PUC sided with MP2TX as the complainant was not properly informed that an authorized representative within the company contracted with MP2TX for retail electric service. The second complaint (CP2011071240, 07/26/2011) was also an allegation of an unauthorized switch in retail electric service. MP2TX contracted the wrong meter number on a customer account. MP2TX returned the meter to the proper party.

MP2 Energy (the Applicant's parent company) has received and resolved two notices of violation from the Texas PUC regarding demand response programs. The first notice (PUC2011110009, 02/02/2011) was a failure to perform. An MP2 Energy customer failed to curtail load due to severe cold temperatures causing a safety concern at their chemical facility. The PUC assessed a penalty of \$10,000, which has been paid. The second notice (PUC201100041, 08/04/2011) was also a failure to perform. An MP2 Energy customer failed to curtail load due to a technical issue. The PUC dismissed the notice with no penalty.

3. Applicant certifies that it will comply with all applicable Federal, State, regional and industry rules, practices, policies, procedures and tariffs for the use, operation, maintenance, safety, integrity, and reliability of the interconnected electric transmission system; [451.20(a)]
4. Applicant agrees to submit good faith schedules of transmission and energy in accordance with applicable tariffs; [451.20(a)]
5. Applicant certifies that it will comply with informational and reporting requirements that the Commission may by rule establish; [451.20(b)]

6. Applicant certifies that it will provide for review by Staff on a confidential and proprietary basis data related to contracts for the purchase and sale of electric power and energy; [451.20(b)]
  
7. Applicant's name and street address: [451.20(c)(1)]  
MP2 Energy NE LLC  
21 Waterway Avenue, Suite 500  
The Woodlands, TX 77380
  - a) Federal Employer Identification Number: [451.20(c)(2)]  
27-3566322
  - b) Type of business entity:  
Limited Liability Company
  - c) Jurisdiction in which and under whose laws business entity was created:  
State of Texas
  - d) Other names under which Applicant does business (D/B/A):  
none
  - e) Registered Agent in Illinois:  
CT Corporation System  
208 South LaSalle St., Suite 814  
Chicago, IL 60604
  
8. The Applicant shall demonstrate that:
  - a) Applicant is licensed to do business in the State of Illinois, as demonstrated in Attachment A. [451.20(d)(1)]
  - b) Applicant's employees will not be installing, operating, and maintaining generation, transmission, or distribution facilities within the State of Illinois.
  
9. Applicant hereby certifies compliance with all other applicable laws and regulations and Commission rules and orders; [451.20(e)]

10. Applicant certifies it will procure renewable energy resources as required by Section 16-115D and subsection (d) of Section 16-115 of the Act [451.20(f)];
11. Applicant certifies that it will source electricity from clean coal facilities, as required by Section 16-115(d)(5) of the Act. [451.20(g)]

REQUIRED FILINGS AND PROCEDURES [451.30]

12. Applicant will publish notice of its application for certification in the Official State Newspaper within 10 days following its filing of the application for certification. The applicant will file proof of publication with the Clerk of the Commission within 5 days after publication. [451.30(a)]
13. This Application for certification is verified as required by Section 200.130 of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200.130).
14. Applicant seeks to be authorized to offer service in the service territory of Commonwealth Edison, and it intends to offer retail electric service to residential, commercial and industrial customers. [451.30(c)]
  - a) Description of Applicant's business. [451.30(c)(1)] Applicant is an alternative retail electric provider in several states. Applicant is not affiliated with an Illinois utility.
  - b) Description of the characteristics of customer group(s) Applicant proposes to serve. [451.30(c)(2)] Applicant proposes to serve residential, commercial and industrial customers.
  - c) Proof that applicant notified the designated in-state agent for each affected utility that Applicant intends to serve customers in that utility's service area. [451.30(c)(3)] As demonstrated in Attachment B, the Applicant has properly informed the affected utility of this application and its desire to serve customers on the utility's system.

15. The applicant hereby certifies compliance with all terms and conditions required by Sections 16-115A(a), (b), and (f), 16-119, 16-123, 16-125(b) and (c), 16-127, and 16-128(a) of the Act, to the extent those Sections have application to the services being offered by the alternative retail electric supplier; [451.30(d)(2)]
16. Application shall include Contact Persons for the following:
  - a) issues related to processing this application – Mark Siismets, COO, 21 Waterway Avenue, Suite 500, The Woodlands, TX 77380, 832-510-1040 (tel), 832-510-1128 (fax), mark.siismets@mp2energy.com
  - b) issues related to retail customers, including complaint resolution – Carlos Zavala, VP Customer Service, 21 Waterway Avenue, Suite 500, The Woodlands, TX 77380, 832-510-1047 (tel), 832-510-1128 (fax), carlos.zavala@mp2energy.com, and
  - c) technical issues, including scheduling of generation, transmission, and distribution, and issues arising from relationships with other providers of electric services – Robert Douglas, VP Operations, 21 Waterway Avenue, Suite 500, The Woodlands, TX 77380, 832-510-1042 (tel), 832-510-1128 (fax), Robert.douglas@mp2energy.com.
17. Applicant agrees to accept service by electronic means. [451.30(e)]

CUSTOMER RECORDS AND INFORMATION [451.40]

18. Applicant agrees to adopt and follow rules and procedures ensuring that authorizations received from customers, customer billing records, and requests for delivery service transmitted to utilities are retained for a period of not less than two calendar years after the calendar year in which they were created. [451.40(a)]
19. Applicant agrees to adopt and follow rules and procedures to preserve the confidentiality of its customers' data. [451.40(b)]

LICENSE OR PERMIT BOND REQUIREMENTS [451.50]

20. Applicant is required to execute and maintain a copy of the 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 the amount specified in Part 451.50(a) for the appropriate group of customers the Applicant seeks certification to serve. Attachment C is a copy of the bond in the amount of \$300,000 from a qualifying surety under the Department of the Treasury's Listing of Approved Sureties (Department Circular 570) (<http://www.fms.treas.gov/c570/c570.html>).

FINANCIAL QUALIFICATIONS [451.320]

21. Applicant meets one of the six financial criteria set forth in Part 451.320(a)(1-6), as demonstrated in Attachment D. Applicant is a member of PJM and intends to purchase 100% of its physical electric energy from PJM to serve the markets in Illinois. This satisfies paragraph 3 of Section 451.320(a) under Subpart D.
22. Applicant will not provide electric power and energy with property, plant and equipment that it owns, controls, or operates.

TECHNICAL QUALIFICATIONS [451.330]

23. Applicant will not use electric generation, transmission or distribution facilities that it owns, controls or operates in serving customers. The Applicant satisfies the other technical qualifications contained in Part 451.330, as follows:
- Jason Gwynne, VP Trading, has more than four years' experience buying and selling power and energy in wholesale markets. See Attachment E.
  - Russell Schwertner, Director Trading and Assets, has more than one year of scheduling experience in the ERCOT ISO, is a former ERCOT ISO

system operator and has a system operator certificate from NERC. See Attachment E.

Applicant agrees to maintain the following telephone number, fax number, and address where Applicant's staff can be directly reached at all times. Applicant understands that maintenance of an answering service or machine, pager, or similar message-taking procedure does not satisfy this requirement. [451.330(c)]

Telephone, business hours:	832-510-1030
Telephone, after hours:	832-510-1039
Facsimile:	832-510-1128
Address:	21 Waterway Avenue, Suite 500 The Woodlands, TX 77380

**MANAGERIAL QUALIFICATIONS [451.340 and 451.350]**

24. Applicant meets the managerial qualifications set forth in Part 451.340, as demonstrated in Attachment E and Attachment F. Attachment E is the resumes of Jeffrey Starcher, Mark Siismets, Matthew Adams, Roy E. Price III, Robert Douglas, Jason Gwynne and Russell Schwertner who satisfy the managerial qualifications discussed herein. Attachment F is a corporate organizational chart.

The following individuals in management positions on Applicant's staff have four years' experience with enterprise financial and administration responsibilities including profit and loss responsibilities: Jeffrey Starcher, Mark Siismets, Matthew Adams and Roy E. Price III.

The following three individuals in management positions on Applicant's staff have four years' experience buying and selling power and energy in wholesale markets: Jason Gwynne, Matt Adams and Roy E. Price III.

The following three individuals in management positions on Applicant's staff have four years electric system operational experience: Russell Schwertner, Robert Douglas, and Roy E. Price III.

25. Applicant is not relying on one or more agents or contractors to meet the technical and managerial requirements of Part 451.330 and 451.340

FINANCIAL QUALIFICATIONS FOR SINGLE BILLING SERVICE [451.510]

26. Applicant does not intend to provide single billing services.

GENERAL PROVISIONS FOR APPLICANTS FILING UNDER SUBPART D [451.310]

27. The Applicant hereby certifies compliance with all terms and conditions required by Section 16-115A(c) of the Act. [451.310(a)]
28. Applicant has no limitations that are imposed on the number of customers or maximum load to be served and certifies that it will not deny service to a customer or group of customers nor establish any differences as to prices, terms, conditions, services, products, facilities, or in any other respect, whereby such denial or differences are based on race, gender or income nor deny service to a customer or group of customers based on locality nor establish any unreasonable differences as to prices, terms, conditions, services, products, or facilities as between localities. [451.310 b)]
29. Applicant has not been denied an electric supplier license in any state in the United States. [451.310(c)(1)]
30. Applicant has not had an electric supplier license suspended or revoked by any state in the United States. [451.310(c)(2)]

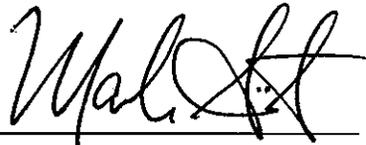
31. Applicant does not have other electric supplier license applications pending in the United States. [451.310(c)(3)]
32. Applicant is not the subject of any lawsuits that were filed in a court of law or formal complaints that were filed with a regulatory agency alleging fraud, deception or unfair marketing practices, or other similar allegations. [451.310(c)(4)]
33. Applicant certifies that its marketing materials which make statements concerning prices, terms and conditions of service contain information that adequately discloses the prices, terms and conditions of the products or services that the Applicant is offering or selling to the customer. [451.310(d)(1)]
34. Applicant certifies that before any customer is switched from another supplier, Applicant will give the customer written information that adequately discloses, in plain language, the prices, terms and conditions of the products and services being offered and sold to the customer. [451.310(d)(2)]
35. Applicant certifies it will provide documentation to the Commission and to customers that substantiates any claims made by the Applicant regarding the technologies and fuel types used to generate the electricity offered or sold to customers. [451.310(d)(3)]
36. Applicant certifies it will provide to the customer itemized billing statements that describe the products and services provided to the customer and their prices, and provide an additional statement, at least annually, that adequately discloses the average monthly prices, and the terms and conditions, of the products and services sold to the customer. [451.310(d)(4)]
37. Applicant certifies it will include materials comprising the consumer education program (pursuant to Section 16-117 of the Act [220 ILCS 5/16-117]) with all

initial mailings to potential residential and small commercial retail customers and before executing any agreements or contracts with such customers, and that Applicant will provide these materials at no charge to residential and small commercial retail customers upon request. [451.310(e) and 451.310(f)]

38. Applicant certifies it will provide to residential and small commercial retail customers on a semiannual basis information on how to obtain a list of alternative retail electric suppliers that have been found in the last 3 years by the Commission (pursuant to Section 10-108 of the Act [220 ILCS 5/10-108]) to have failed to provide service in accordance with the terms of their contracts (pursuant to Section 16-117(g)(4)(C) of the Act). [451.310(g)]
  
39. Applicant certifies it will maintain sufficient managerial resources and abilities to provide the service for which it has a certificate of authority. [451.340(d)]

WHEREFORE, Applicant requests that the Commission grant its application for service authority to serve retail customers in all service classifications (residential, commercial and industrial) within the Commonwealth Edison service territory of the State of Illinois.

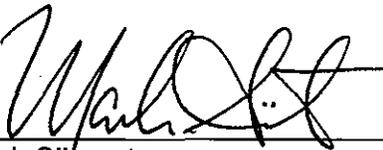
Respectfully submitted,  
MP2 Energy NE LLC

By:   
Mark Siismets, COO

VERIFICATION

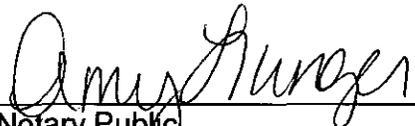
STATE OF TEXAS    )    ss:  
COUNTY OF HARRIS)

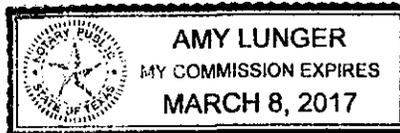
Mark Siismets, being first duly sworn, deposes and says that he is the Chief Operating Officer of MP2 Energy NE LLC; that he has read the foregoing Application of MP2 Energy NE LLC, and all of the attachments accompanying and referred to within the Application; and that the statements contained in the Application and the attachments are true, correct and complete to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
Mark Siismets

Subscribed and sworn to before me

this 5 day of February, 2014.

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



[Stamp of Notary]