

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Dynegy Energy Services, LLC

Application for Certificate of
Service Authority under Section
16-115 of the Public Utilities Act

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Docket No. 14-

14-05336

CHIEF CLERK'S OFFICE

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ILLINOIS COMMERCE
COMMISSION

APPLICATION

Dynegy Energy Services, LLC ("DES"), 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"). DES is filing under subpart D of Part 451. As more fully set forth below, DES meets the requirements for a Part 451 Subpart D ARES certificate to serve all eligible residential and non-residential customers in the service area of Commonwealth Edison Company ("ComEd") and to provide single billing services in ComEd's service area.

REQUIREMENTS FOR ALL APPLICANTS [451.20]

1. DES does not currently have authority from the Commission to be an ARES.
2. DES is not licensed as an alternative retail electric supplier in any other jurisdictions, similar to the licensure required under Section 16-115 of the Illinois Public Utilities Act. Neither DES, nor any of its affiliates, has had any formal complaints filed against it for its provision of any retail services in the electric or gas industry in this or any other jurisdiction.

3. DES 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. DES agrees to submit good faith schedules of transmission and energy in accordance with applicable tariffs. [451.20(a)]
5. DES certifies that it will comply with informational and reporting requirements that the Commission may by rule establish. [451.20(b)]
6. DES 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. DES's name and street address: [451.20(c)(1)]
Dynergy Energy Services, LLC
1500 Eastport Plaza Drive
Collinsville, Illinois 62234
 - a) Federal Employer Identification Number: [451.20(c)(2)]
90-0924805
 - b) Type of business entity: [corporation, LLP, LLC, etc.]
LLC
 - c) Jurisdiction in which and under whose laws business entity was created:
Delaware
 - d) Other names under which DES does business (D/B/A):
DES does not currently conduct business under any other name.

- e) Registered Agent in Illinois:

Capitol Corporate Services, Inc.
1315 West Lawrence Avenue.
Springfield, Illinois 62704

- 8. DES hereby demonstrates that:
 - a) DES is licensed to do business in the State of Illinois, as demonstrated in **Attachment A**. [451.20(d)(1)]

 - b) DES has no employees that will be installing, operating, and maintaining generation, transmission, or distribution facilities within the State of Illinois, and has not contracted with any entity to perform these functions.

- 9. DES certifies its compliance with all other applicable laws and regulations and Commission rules and orders. [451.20(e)]

- 10. DES certifies that 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. DES 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. DES will publish notice of its application for certification in the Official State Newspaper within 10 days following its filing of the application for certification. DES will file proof of publication with the Clerk of the Commission within 5 days after publication. [451.30(a)]. Pursuant to 715 ILCS 5/3 (Notice by Publication Act), DES will publish the notice once each week for three consecutive weeks in

the Breeze-Courier (for a total of three published notices). DES will file proof of publication with the Clerk of the Commission within 5 days after publication of the third and final notice. A copy of the notice to be published in the Breeze Courier is provided herein as **Attachment B**.

13. DES's 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. In this Application, DES seeks to be authorized to offer service to all retail customers in the service area of Commonwealth Edison Company. DES also seeks to be authorized in this Application to offer single billing service in the area of Commonwealth Edison Company. [451.30(c)]. DES anticipates that at a future date it will file a subsequent ARES application to expand its certificate to include the ability to offer service to all retail customers in the service area of Ameren Illinois Company d/b/a Ameren Illinois.
 - a) Description of DES's business.

Customers with Annual Usage above 15,000 kWh

DES will offer customers with annual usage above 15,000 kilowatt-hours retail offerings such as fixed pricing, indexed pricing, block and index combination pricing. DES will also offer customized pricing plans. In addition, DES will explore the development of other innovative products and services for the Illinois market.

Small Commercial and Residential Customers

DES will offer small commercial and residential customers retail offerings such as fixed pricing and renewable (green) rate plans. In addition, DES will explore the development of other innovative products and services for the Illinois market.

DES is not affiliated with an Illinois utility. [451.30(c)(1)]

- b) Description of the characteristics of customer group(s) DES proposes to serve. [451.30(c)(2)] DES proposes to serve all retail customers (e.g. residential, small commercial, commercial and industrial) in the service area of Commonwealth Edison Company as outlined above.
 - c) DES has notified the designated in-state agent for Commonwealth Edison Company that it intends to serve customers in that utility's service area. Compliance with this requirement is demonstrated in **Attachment C**. [451.30(c)(3)]
15. DES certifies its 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:

John Gomoll
Director, Regulatory and Legislative Affairs
Dynergy Energy Services, LLC
P.O. Box 211
Saint Charles, Illinois 60174
office: (618) 214-7109
fax: (713) 356-2925
e-mail: john.gomoll@dynergy.com
 - b) issues related to retail customers, including complaint resolution:

Mark Fanning
Director, Marketing and Customer Care
Dynergy Energy Services, LLC
1500 Eastport Plaza Drive
Collinsville, Illinois 62234
office: (618) 343-7734
fax: (888) 354-9837
e-mail: Mark.T.Fanning@dynergy.com

- c) technical issues, including scheduling of generation, transmission, and distribution, and issues arising from relationships with other providers of electric services:

Mark Fanning
Director, Marketing and Customer Care
Dynergy Energy Services, LLC
1500 Eastport Plaza Drive
Collinsville, Illinois 62234
office: (618) 343-7734
fax: (888) 354-9837
e-mail: Mark.T.Fanning@dynergy.com

- 17. DES agrees to accept service by electronic means. [451.30(e)]

CUSTOMER RECORDS AND INFORMATION [451.40]

- 18. DES 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. DES agrees to adopt and follow rules and procedures to preserve the confidentiality of its customer's data. [451.40(b)]

LICENSE OR PERMIT BOND REQUIREMENTS [451.50]

- 20. DES 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 \$300,000 as specified in Part 451.50(a) based on the group of customers DES seeks certification to serve. DES includes herein as **Attachment D** a copy of the license or permit bond required by Part 451.50(a) and a copy of the page from the U.S. Department of Treasury listing of certified

companies (available at http://www.fms.treas.gov/c570/c570_a-z.html) showing that the surety used by DES meets the definition of "qualifying surety" as set forth in Part 451.10.

FINANCIAL QUALIFICATIONS [451.320]

21. DES meets the criteria set forth in 451.320(a)(3). Specifically, DES hereby demonstrates that it is a member of PJM and certifies that it purchases 100% of its physical electric energy from the RTO for delivery to the service territory of the utility for which DES is seeking a certificate. In **Attachment E**, DES demonstrates that it is a member of PJM.

22. DES will not provide electric power and energy with property, plant and equipment that it owns, controls, or operates.

TECHNICAL QUALIFICATIONS [451.330]

23. DES will not use electric generation, transmission or distribution facilities that it owns, controls or operates in serving customers.

DES meets the requirements of Part 451.330(b) as demonstrated in **Attachment F**.

The following individuals on DES's staff have experience buying and selling power and energy in wholesale markets:

Jason Anderson
Mark Chamblee
Brian Daschbach

The following individuals on DES's staff have at least one year of scheduling experience working for an entity that is either a member of PJM, a market participant in the Midwest ISO, or has a system operator certificate from NERC, or has earned Certified Energy Procurement Professional status by the Association of Energy Engineers (or equivalent certification):

Jinna Hopson
Robert Nelson

DES 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 #: (713) 767-8300
Fax #: (713) 767-6695
Address: 601 Travis Street
Suite 1400
Houston, Texas 77002

MANAGERIAL QUALIFICATIONS [451.340]

24. DES meets the managerial qualifications set forth in Part 451.340 as demonstrated in **Attachment G**. **Attachment H** consists of a corporate organizational chart which identifies the persons or agents who are being used to meet each of the requirements of Part 451.340(b).

The following three individuals in management positions on DES's staff have four years experience with enterprise financial and administration responsibilities including profit and loss responsibilities:

Sheree Petrone
Alan Potts
Mark Fanning

The following three individuals in management positions on DES's staff have four years of experience buying and selling power and energy in wholesale markets:

Sheree Petrone
Dennis Beutler
Jason Anderson

The following three individuals in management positions on Applicant's staff have four years electric system operational experience:

Sheree Petrone
Mark Fanning
Shannon Brown

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. DES intends to provide single billing services. A demonstration that Applicant meets the creditworthiness standards as required in Part 451.510 is set forth in **Attachment I.**

GENERAL PROVISIONS FOR APPLICANTS FILING UNDER SUBPART D [451.310]

27. DES certifies its compliance with all terms and conditions required by Section 16-115A(c) of the Act. [451.310(a)]
28. DES states that no limitations will be 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. DES has not been denied an electric supplier license in any state in the United States. [451.310(c)(1)]
30. DES has not had an electric supplier license suspended or revoked by any state in the United States.
31. DES does not have any other electric supplier license applications pending in the United States.

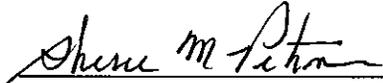
32. DES is not the subject of any lawsuits that were filed in a court of law or formal complaints that were filed with a regulatory agency alleging fraud, deception or unfair marketing practices, or other similar allegations.
33. DES certifies that its marketing materials which make statements concerning prices, terms and conditions of service contain information that adequately discloses the prices, terms and conditions of the products or services that DES is offering or selling to the customer. [451.310(d)(1)]
34. DES certifies that before any customer is switched from another supplier, DES 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. DES certifies it will provide documentation to the Commission and to customers that substantiates any claims made by DES regarding the technologies and fuel types used to generate the electricity offered or sold to customers. [451.310(d)(3)]
36. DES 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. DES 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. DES 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. DES 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, DES requests that the Commission find that DES possesses sufficient financial, managerial, and technical resources and abilities to operate as an Alternative Retail Electric Supplier; that DES be certified as an Alternative Retail Electric Supplier and be authorized to provide power and energy to all eligible residential and non-residential retail customers in the service areas of Commonwealth Edison Company; and, that DES be authorized to provide single billing services in the service area of Commonwealth Edison Company.

Respectfully submitted,
Dynergy Energy Services, LLC

By: 

Sheree Petrone
President, Dynergy Energy Services, LLC
1500 Eastport Plaza Drive
Collinsville, Illinois 62234
office: (713) 767-0180
e-mail: Sheree.M.Petrone@dynergy.com

John Gomoll
Director, Regulatory and Legislative Affairs
Dynegy Energy Services, LLC
P.O. Box 211
Saint Charles, Illinois 60174
office: (618) 214-7109
fax: (713) 356-2925
e-mail: john.gomoll@dynegy.com

VERIFICATION

STATE OF ILLINOIS
COUNTY OF MADISON

ss:

Sheree Petrone, being first duly sworn, deposes and says that she is an officer of Dynegy Energy Services, LLC; that she has read the foregoing Application of Illinois Power Marketing Company, 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 her knowledge, information and belief.

Sheree Petrone
Sheree Petrone

Subscribed and sworn to before me
this 24th day of April, 2014.

Jacqueline B Racener
Notary Public

[Stamp of Notary]

