

Nextility, Inc

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

Docket No. 15-0022

APPLICATION

[Nextility, Inc] ("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.

Nextility, Inc.
1606 20th Street NW, 2nd Floor
Washington, DC 20009

2. Related Information:

- Type of business entity: Incorporation
- Jurisdiction in which and under whose laws business entity was created: Delaware
- Other names under which Applicant does business (D/B/A):

3. Contact Persons for the following:

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

Kate Schmid
Operations Analyst
1606 20th Street NW, 2nd Floor
Washington, DC 20009
202-719-5297 x745
kschmid@nextility.com

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- b) issues related to complaint resolution [454.130]

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

Nextility Inc. currently finances, installs, maintains and monitors commercial-scale solar systems at no upfront cost to customers. Our innovative business and financing model enables us to deliver guaranteed savings by operating as a rooftop solar utility, selling solar hot water or solar electricity to a building at a price set at a fixed discount to their conventional utility rate (price-indexed energy). Solar water heating and solar photovoltaic are the first market applications for our price-indexed energy model, which delivers guaranteed savings as a service. We recently launched an energy brokerage line of business (Nextility Power and Gas), which utilizes our innovative technology to provide small businesses with a better way to buy and manage their energy.

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)]

Enclosed in this application you will find all necessary documents to certify that the applicant meets the requirements of Section 16-115C of the Act. Nextility plans to act as a broker engaged in the procurement or sale of retail electricity supply for small commercial businesses. In doing so, Nextility will 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. Nextility currently has contractual relationships with 7 certified electricity suppliers in the state. Nextility has been in the energy industry for more than 5 years. The management experience throughout the company exceeds 50 years. A \$5,000 bond was obtained by Nextility which demonstrates the financial responsibility of the company.

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
1-866-403-5272
BVENDRIC@cscinfo.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.

Nextility is licensed to broker electricity supply in Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania, and Rhode Island. Nextility is licensed to broker gas supply in the District of Columbia, Maryland, New Jersey, Ohio, Pennsylvania, Rhode Island, and Virginia. There have not been any complaints filed against Nextility for its provision of any services in the electric or gas 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)] (NOTE to Applicant: be certain to include the Certificate of Good Standing obtained from the Illinois Secretary of State) – License to do business in the State of Illinois is attached in Appendix A

Nextility requests the requirement for the Certificate of Good Standing be waived as it just recently became licensed to do business in Illinois. A representative at the Illinois State Commerce Commission, Mr. Torsten Clausen, said the license to do business should be sufficient enough.

- 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. 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 C 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 D. Attachment D 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. – License or Permit Bond is attached in Appendix E

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
- 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].

REPORTING REQUIREMENTS [SECTION 454.110]

13. 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,

Nextility, Inc.

By: Zachary Axlerod, CEO

Attorney Info:
Briane Greene
GreeneHurlocker
1807 Libbie Avenue Suite 102 Richmond, VA 23225
804-672-4542
bgreene@greenehurlocker.com

VERIFICATION

STATE OF District of Columbia

COUNTY OF District of Columbia

Zachary Axelrod being first duly sworn, deposes and says that he is the CEO of Nextility; that he has read the foregoing Application of Nextility, 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.

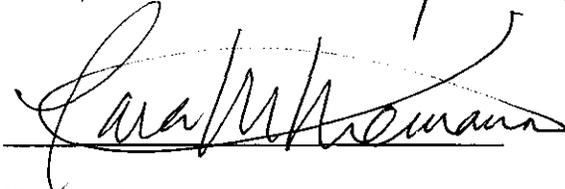
Zachary Axelrod



To be completed by a Notary Public

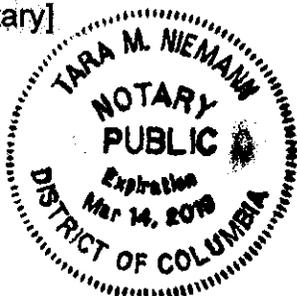
Subscribed and sworn to before me

this 7th day of January, 2015

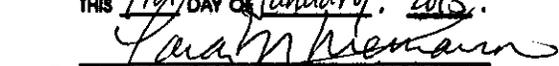


Notary Public

[Stamp of Notary]



DISTRICT OF COLUMBIA: SS
SUBSCRIBED AND SWORN TO BEFORE ME
THIS 7th DAY OF January, 2015.


NOTARY PUBLIC
My Commission Expires 3/14/2019