

ILLINOIS COMMERCE COMMISSION

GDF Suez Retail Energy Solutions, LLC :  
d/b/a Think Energy :

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

Docket No. \_\_\_\_\_

15-0344

CHIEF CLERK'S OFFICE  
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ILLINOIS COMMERCE COMMISSION

APPLICATION

GDF Suez Retail Energy Solutions, LLC d/b/a Think Energy ("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"). Applicant is seeking to serve all retail customers and all residential customers under Part 451 Subpart D. In support of its application, Applicant states as follows:

REQUIREMENTS FOR ALL APPLICANTS [451.20]

1. State whether Applicant currently has authority from the Commission to be an ARES, and if so, the Docket Number under which such authority was granted. **Applicant was granted a license certificate in Docket No. 11-0531 pursuant to the Commission's Order dated September 21, 2011.**
2. A statement to disclose whether it is 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. **Applicant is currently licensed in the State of Illinois serving the Commonwealth Edison Company territory ("ComEd Territory"). Applicant operates as a licensed competitive retail electric supplier in the following states, focusing on marketing to and serving the small commercial market: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania and Texas.**

Additionally, the Applicant is directed to disclose whether it, or any of its affiliates, 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 yes, the Applicant is directed to include in its response the nature of the complaint, the jurisdiction, and the ultimate resolution. ***Please see Attachment 1.***

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)]  
***GDF Suez Retail Energy Solutions, LLC d/b/a Think Energy  
1990 Post Oak Blvd., Suite 1900  
Houston, TX 77056***
  - a) Federal Employer Identification Number: [451.20(c)(2)]  
***35-2408190***
  - b) Type of business entity: [corporation, LLP, LLC, etc.]  
***Limited Liability Company***
  - c) Jurisdiction in which and under whose laws business entity was created:  
***Organized in Delaware on April 18, 2011 under File No. 110458301***

- d) Other names under which Applicant does business (D/B/A):

***Applicant does business as Think Energy***

- e) Registered Agent in Illinois:

***Capitol Corporate Services, Inc.***

***1315 W. Lawrence Avenue***

***Springfield, IL 62704***

8. The Applicant shall demonstrate that:

- a) Applicant is licensed to do business in the State of Illinois, as demonstrated in **Attachment 2**. [451.20(d)(1)]

- b) Applicant's employees that will be installing, operating, and maintaining generation, transmission, or distribution facilities within the State of Illinois, as well as any entity with which the Applicant has contracted to perform those functions, have the requisite knowledge, skills, and competence to perform those functions in a safe and responsible manner in order to provide safe and reliable service in accordance with the criteria stated in Section 16-128(a) of the Act [220 ILCS 5/16-128(a)]. [451.20(d)(2)]

***Not Applicable. Applicant does not own generation, transmission, or distribution facilities within the State of Illinois.***

9. Applicant certifies that it will comply with all applicable laws and regulations and Commission rules and orders. [451.20(e)]

10. Applicant 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. 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 certifies that it will publish notice of its application for certification in the Official State Newspaper (the *Breeze Courier*) 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. Applications for certification shall be verified as required by Section 200.130 of the Commission's "Rules of Practice" (83 Ill. Adm. Code 200.130)
14. Geographic area in which Applicant seeks to be authorized to offer service (if less than entire State, provide detailed description) and the types of services it intends to offer. [451.30(c)]

***Applicant will, in addition to already marketing and selling electric energy supply in the ComEd Territory, market to and sell electric energy supply in the competitive retail market to residential and commercial customers in the State of Illinois in the Ameren Illinois Company territory ("Ameren Territory"). Applicant will offer a variety of electric energy products to customers, including fixed-price products. Applicant's marketing initiative for entry into the Ameren Territory is a multi-channel strategy to reach customers through: (i) a variety of dedicated sales channels such as direct customer sales through an e-channel (internet based sales; and (ii) non-dedicated sales channels such as consultants, aggregators, and brokers that function as a customer representative and solicit products and services from Applicant, as well as other suppliers, on the customer's behalf.***

- a) Description of Applicant's business. Applicant is not affiliated with an Illinois utility. [451.30(c)(1)]

***Applicant is a wholly-owned, sole member-managed subsidiary of GDF Suez Energy Resources NA, Inc. ("GSERNA"), which is a wholly-owned subsidiary of GDF Suez Energy North America, Inc. ("GSENA"). GSERNA is the retail operating group for GSENA, its parent company***

***that engages in electricity generation and cogeneration, natural gas and LNG, renewable energy, and asset-based trading and origination. GSERNA, the parent company and sole managing member of Applicant, currently provides risk-managed electric energy supply to commercial and industrial customers as a licensed retail electric supplier in Illinois, licensed pursuant to ICC Certificate No. 05-0257, granted on June 7, 2005. Applicant was formed to serve the small commercial and residential markets.***

- b) Description of the characteristics of customer group(s) Applicant proposes to serve. [451.30(c)(2)]

***Applicant intends to provide electric energy supply services to serve all residential and commercial customers in the State of Illinois.***

- 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, as demonstrated in **Attachment 3**. [451.30(c)(3)]
15. Applicant certifies that it will comply 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,  
***Julian Mithani, Counsel***  
***1900 Post Oak Blvd., Suite 1900***  
***Houston, TX 77056***  
***Tel: (713) 636-1797***  
***Fax: (713) 636-1601***  
***Julian.mithani@gdfsuezna.com***
- b) issues related to retail customers, including complaint resolution, and

**Julian Mithani, Counsel**  
**1900 Post Oak Blvd., Suite 1900**  
**Houston, TX 77056**  
**Tel: (713) 636-1797**  
**Fax: (713) 636-1601**  
[Julian.mithani@gdfsuezna.com](mailto:Julian.mithani@gdfsuezna.com)

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

**Michael Petrini, Supply Manager**  
**1900 Post Oak Blvd., Suite 1900**  
**Houston, TX 77056**  
**Tel: (713) 636-1358**  
**Fax: (713) 636-1601**  
[michael.petrini@gdfsuezna.com](mailto:michael.petrini@gdfsuezna.com)

Provide each contact person's name, title, mailing address, telephone number, facsimile number, and e-mail address.

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 customer's 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.

***Applicant has obtained a bond in the name of the People of the State of Illinois issued by Travelers Casualty and Surety Company of America (a qualifying surety company authorized to transact business in the State of Illinois and listed on the ICC's list of certified surety companies) in the amount of \$300,000.00, as attached hereto as Attachment 4.***

FINANCIAL QUALIFICATIONS Section 451.320

21. Applicant meets one of the six financial criteria set forth in Part 451.320(a)(1-6), as demonstrated in **Attachment 5**. *Applicant meets the financial criteria pursuant to 451.320(a)(3).*
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. *Applicant meets the requirements of Part 451.330 Subpart D as demonstrated in **Attachment 6**.*

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. [451.230(c), 451.330(c), 451.420(b)]

***Applicant contracts with PPL Solutions, Inc. ("PPL") for outsourcing of enrollment, billing and customer care. PPL maintains a customer care line for Applicant's customers during the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, after which a live answering-service is available. Applicant's staff can be reached at Applicant's main office: 1990 Post Oak Blvd., Suite 1900, Houston, TX 77056; telephone: (713) 636-1100; fax: (713) 636-1468, during business hours of 8:00 a.m. to 5:00 p.m.***

***Applicant's Legal Counsel, Julian Mithani, can be reached at all times (including business hours) at (972) 523-7384, 1990 Post Oak Blvd., Suite 1900, Houston, TX 77056 and via email at: [julian.mithani@gdfsuezna.com](mailto:julian.mithani@gdfsuezna.com).***

24. MANAGERIAL QUALIFICATIONS [451.340 Applicant meets the managerial qualifications set forth in Part [451.340], as demonstrated in **Attachment 7**. **Attachment 7** includes an exhibit containing a corporate organizational chart and identifying the persons or agents who are being used to meet each of the requirements of Part 451.340(b).
25. Applicant is not relying on one or more agents or contractors to meet the technical and managerial requirements of Part 451.120 and 451.130, 451.230 and 451.240, 451. 330 and 451.340, or 451.420.

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. Applicant certifies that it will comply with all terms and conditions required by Section 16-115A(c) of the Act. [451.210 and 451.310(a)]

28. Applicant shall state any limitations that will be imposed on the number of customers or maximum load to be served and certify 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)] ***If Applicant were granted authority to serve all retail customers under Subpart D, it would not refuse service to a commercial customer that was not a “small commercial customer.” It may refuse service to a larger commercial customer, depending on the consumption volumes or customer segment, but that refusal would be accompanied by a referral to its’ affiliate, GSERNA, that is actively pursuing larger commercial, industrial and institutional customers in the State of Illinois; however, this will be determined by Applicant on a case-by-case basis.***
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 customers and before executing any agreements or contracts with such customers, and that Applicant will provide these materials at no charge to all customers upon request. [451.310(e) and 451.310(f)]
38. Applicant certifies it will provide to 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 all customers in the State of Illinois.

Respectfully submitted,

**GDF SUEZ RETAIL ENERGY SOLUTIONS,  
LLC d/b/a THINK ENERGY**

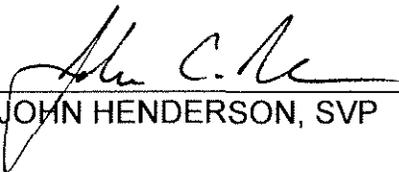
By: 

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VERIFICATION

STATE OF TEXAS )  
 )  
COUNTY OF HARRIS ) ss:

JOHN HENDERSON, being first duly sworn, deposes and says that he is SENIOR VICE PRESIDENT for Applicant; that he has read the foregoing Application of Applicant, 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.

  
\_\_\_\_\_  
JOHN HENDERSON, SVP

Subscribed and sworn to before me  
this 8th day of May, 2015.

  
\_\_\_\_\_  
MARSHA FROST GRIFFIN, NOTARY



[Stamp of Notary]

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

GDF Suez Retail Energy Solutions, LLC  
d/b/a Think Energy

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**CERTIFICATE OF SERVICE**

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I hereby certify that a copy of the foregoing document was served to all parties on the Service List for Docket No. \_\_\_\_\_, as listed below, via email on May 8, 2015.

**Judge John D. Albers, Administrative Law Judge**

Illinois Commerce Commission  
527 E. Capitol Ave.  
Springfield, IL 62701  
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**Ray Cunningham, Vice President & Assistant General Counsel**

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**Phil Hardas, ALJ's Assistant**

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**Yassir Rashid, ALJ's Assistant**

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By:



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