

ILLINOIS COMMERCE COMMISSION

**ORIGINAL**

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CHIEF CLERK'S OFFICE

National Gas & Electric, LLC :  
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Application for Certificate of :  
Service Authority under Section :  
16-115 of the Public Utilities Act. :

Docket No. **15-0577**

APPLICATION

**National Gas & Electric, 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"). **National Gas & Electric, 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. 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. **National Gas & Electric, LLC currently does not have authority from the Commission to be an ARES.**
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. 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. **National Gas & Electric, LLC has never been licensed as an alternative retail electric supplier in other jurisdictions.**

3. **National Gas & Electric, LLC** 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. **National Gas & Electric, LLC** agrees to submit good faith schedules of transmission and energy in accordance with applicable tariffs. [451.20(a)]
5. **National Gas & Electric, LLC** certifies that it will comply with informational and reporting requirements that the Commission may by rule establish. [451.20(b)]
6. **National Gas & Electric, LLC** 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:

**National Gas & Electric, LLC**

**12140 Wickchester Lane, Suite 100, Houston, TX 77079**

- a) Federal Employer Identification Number: **36-4816792**
  - b) Type of business entity: **limited liability company**
  - c) Jurisdiction in which and under whose laws business entity was created:  
**Texas**
  - d) Other names under which Applicant does business (D/B/A): **NA**
  - e) Registered Agent in Illinois: **Illinois Corporate Service Company, 801 Adlai Stevenson Drive, Springfield, IL 62703-4261**
8. The Applicant shall demonstrate that:
    - a) Applicant is licensed to do business in the State of Illinois, as demonstrated in **Attachment A**.
    - 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)], **N/A – This section does not apply because Applicant's**

**employees will not install, operate or maintain generation, transmission or distribution facilities within the State of Illinois.**

9. **National Gas & Electric, LLC** certifies compliance with all other applicable laws and regulations and Commission rules and orders. [451.20(e)]
10. **National Gas & Electric, LLC** certifies it will procure renewable energy resources as required by Section 16-115D and subsection (d) of Section 16-115 of the Act.
11. **National Gas & Electric, LLC** 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. **National Gas & Electric, LLC** 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.
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) **Said verification is attached hereto.**
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. **National Gas & Electric, LLC seeks to be authorized under Subpart D to provide service to all residential, commercial, and industrial customers in the ComEd utility territory.**
  - a) Description of Applicant's business. Applicant **is not** affiliated with an Illinois utility.
  - b) Description of the characteristics of customer group(s) Applicant proposes to serve. **National Gas & Electric, LLC is filing under Part 451(D) and**

**intends to serve all eligible residential, commercial and industrial customers in the ComEd utility territory.**

- 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 B**.

15. **National Gas & Electric, LLC** 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.

16. Application shall include Contact Persons for the following:

- a) Issues related to processing this application;

**David Hennekes**  
**Vice President, Business Development**  
**Office: 713-337-2735**  
**Cell: 214-766-1922**  
**Fax: 346-207-3890**  
**dhennekes@NGandE.com**

- b) Issues related to retail customers, including complaint resolution; and

**Yara Abdur-Rahman**  
**Compliance Manager**  
**Office: 281-822-8717**  
**Cell: 713-505-6520**  
**Fax: 346-207-3890**  
**yrahman@NGandE.com**

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

**Ryan Ulk**  
**Supply**  
**Office: 281-851-3702**  
**Cell: 484-851-3702**  
**Fax: 346-207-3890**  
**rulk@NGandE.com**

17. **National Gas & Electric, LLC** agrees to accept service by electronic means. [451.30(e)]

CUSTOMER RECORDS AND INFORMATION [451.40]

18. **National Gas & Electric, LLC** 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. **National Gas & Electric, LLC** 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. **National Gas & Electric, LLC** 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**

FINANCIAL QUALIFICATIONS

21. **National Gas & Electric, LLC** meets one of the six financial criteria set forth in Part 451.320(a)(1-6), as demonstrated in **Attachment D**.
22. **National Gas & Electric, LLC will not** provide electric power and energy with property, plant and equipment that it owns, controls, or operates.

TECHNICAL QUALIFICATIONS

23. **National Gas & Electric, LLC will not** use electric generation, transmission or distribution facilities that it owns, controls or operates in serving customers.

**National Gas & Electric, LLC** meets the requirements **Part 451.330** as demonstrated in **Attachment E**.

The following individual on Applicant's staff has experience buying and selling power and energy in wholesale markets [83 Ill Adm. Code 451.330(b)]: **Ryan Ulk has the requisite qualifications to satisfy the requirements of 451.330(b)**.

**Attachment E** contains the occupational background demonstrating Ryan Ulk has requisite qualifications.

The following individuals on Applicant's staff have 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): **Ryan Ulk has the requisite qualifications to satisfy the requirements of 451.330(b)**.

**Attachment E** contains the occupational background demonstrating Ryan Ulk has requisite qualifications.

**National Gas & Electric, LLC** 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.

Telephone # **888-442-0002**

Fax # **346-207-3890**

Address **12140 Wickchester Lane, Ste. 100, Houston, TX 77079**

MANAGERIAL QUALIFICATIONS

24. **National Gas & Electric, LLC** meets the managerial qualifications set forth in **Part 451.340(b)** as demonstrated in **Attachment F**. **Attachment F** 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).

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: **W. Keith Maxwell, III (17 years), Todd Gibson (17 years), Terry Jones (35 years), David Hennekes (15 years), Paul Konikowski (15 years), and Michael Tsang (10 years) have the requisite qualifications to satisfy the requirements of 451.340(a).**

**Attachment E** contains the occupational background demonstrating these individuals have the requisite qualifications.

The following three individuals in management positions on Applicant's staff have four years' experience buying and selling power and energy in wholesale markets: **W. Keith Maxwell, III (17 years), Todd Gibson (17 years), and Ryan Uik (6 years).**

25. **National Gas & Electric, LLC** is relying on one or more agents or contractors to meet the technical and managerial requirements of Part 330 and 451.340.

**See Attachment G – MSA between National Gas & Electric, LLC and NuDevco Partners, LLC dated 11/1/2015**

FINANCIAL QUALIFICATIONS FOR SINGLE BILLING SERVICE [451.510]

26. **National Gas & Electric, LLC** does not intend to provide single billing services.

GENERAL PROVISIONS FOR APPLICANTS FILING UNDER SUBPART D [451.310]

27. **National Gas & Electric, LLC** certifies compliance with all terms and conditions required by Section 16-115A(c) of the Act.

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. **National Gas & Electric, LLC does not intend to have limitations 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 unreasonable differences as to prices, terms, conditions, services, products, or facilities as between localities.**

29. **National Gas & Electric, LLC has not** been denied an electric supplier license in any state in the United States.
30. **National Gas & Electric, LLC has not** had an electric supplier license suspended or revoked by any state in the United States.
31. **National Gas & Electric, LLC has** other electric supplier license applications pending in the United States: **Ohio**
32. **National Gas & Electric, LLC** 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. **National Gas & Electric, LLC** 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. **National Gas & Electric, LLC** 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. **National Gas & Electric, LLC** 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. **National Gas & Electric, LLC** 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. **National Gas & Electric, LLC** 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. **National Gas & Electric, LLC** 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. **National Gas & Electric, LLC** certifies it will maintain sufficient managerial resources and abilities to provide the service for which it has a certificate of authority. [451.340(d)]
  
40. **National Gas & Electric, LLC** certifies in the event that the applicant bills any residential customer directly for supply, the applicant shall ensure that when marketing to residential customers who receive any type of low income energy assistance, the applicant has entered into the necessary agreements to allow low-income customers to receive Low Income Home Energy Assistance Program (LIHEAP) benefits and Percentage of Income Payment Program (PIPP) benefits.

Form for ARES Applicants

In the applicant is granted Commission authorization to provide supplier single billing to residential customers, the applicant shall ensure that, when marketing to residential customers who receive any type of low-income energy assistance, the applicant has entered into the necessary agreements to allow low-income customers to receive Low Income Home Energy Assistance Program (LIHEAP) benefits and Percentage of Income Payment Program (PIPP) benefits.

WHEREFORE, Applicant requests that the Commission grant its application for service authority to serve residential, commercial and industrial retail customers in the ComEd utility territory.

Respectfully submitted,

**National Gas & Electric, LLC**

By:  \_\_\_\_\_

Todd Gibson, EVP/CFO

VERIFICATION

STATE OF TEXAS        )  
                                  )  
COUNTY OF HARRIS    )        ss:

Todd Gibson, being first duly sworn, deposes and says that he is the Executive Vice President and CFO of National Gas & Electric, LLC; that he has read the foregoing Application of National Gas & Electric, 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.

  
\_\_\_\_\_  
Todd Gibson, EVP/CFO

Subscribed and sworn to before me

this 9<sup>th</sup> day of NOVEMBER, 2015

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

[Stamp of Notary]

