

**FS Energy, LLC**

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

Docket No.

15-0620

APPLICATION

**FS Energy, LLC** ("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.

**FS Energy, LLC**  
**622 Third Avenue, Floor 14**  
**New York, NY 10017**

2. Related Information:

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

3. Contact Persons for the following:

a) issues related to processing this application [454.130]

**Benjamin C. Kirschenbaum, General Counsel**  
**FS Energy, LLC**  
**622 Third Avenue, Floor 14**  
**New York, NY 10017**  
**(212) 634-5438**  
**ben.kirschenbaum@fsresidential.com**

- b) issues related to complaint resolution [454.130]

**Benjamin C. Kirschenbaum, General Counsel  
FS Energy, LLC  
622 Third Avenue, Floor 14  
New York, NY 10017  
(212) 634-5438  
ben.kirschenbaum@fsresidential.com**

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

**FS Energy, LLC acts as an agent broker for FirstService Residential's managed properties. FS Energy invites qualified Energy Service Companies (ESCOs) to submit bids, and will serve as an intermediary in sales and purchase of electric energy between ESCOs and clients.**

5. A statement in support of application (including supporting documents and schedules if necessary) certifying that the applicant meets the requirements of Section 16-115C of the Act. [454.40(d)(1)]

**FS Energy, LLC meets the requirements of Section 16-115C as demonstrated in its responses contained in this application.**

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 Corporate Service Company  
801 Adlai Stevenson Drive  
Springfield, IL 62703  
Phone: (800) 927-9800  
E-mail: sop@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.

**FS Energy, LLC is licensed as an energy agent and private aggregator in New Jersey, similar to the licensure required under Section 16-115C of the Illinois Public Utilities Act, and is currently going through the proceedings to become licensed as an electricity agent, broker, and aggregator in Pennsylvania. FS Energy, LLC previously applied to be licensed as an ABC in Illinois - docket number 13-0290. FS Energy, LLC has not had any complaints filed against it for its provision of any services in the electric or gas industry in this or any other jurisdictions.**

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)
- 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)]

**FS Energy, LLC certifies all of the above, see Attachment 5 for the certificate of Good Standing.**

MANAGERIAL LICENSING QUALIFICATIONS [Section 454.60]

9. Applicant meets the managerial qualifications set forth in Part 454.60, as demonstrated in Attachment 1&3. Attachment 1 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 3 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).

**See Attachment 1 & 3**

TECHNICAL LICENSING QUALIFICATIONS [Section 454.70]

10. Applicant meets the technical qualifications set forth in Part 454.70, as demonstrated in Attachment 2. Attachment 3 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).

**See Attachment 2 & 3**

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.

**See Attachment 4**

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].

**FS Energy, LLC certifies all of the above.**

REPORTING REQUIREMENTS [SECTION 454.110]

- 13. Applicant agrees to submit reports in accordance with annual reporting requirements. [454.110]

**FS Energy, LLC acknowledges and accepts this responsibility.**

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.

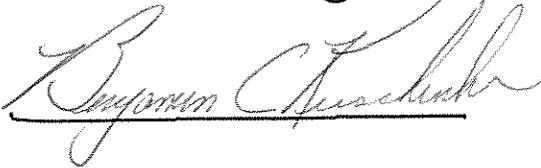
Respectfully submitted,

FS Energy, LLC

By: Tal Eyal

A handwritten signature in black ink, appearing to read 'Tal Eyal', is written over a horizontal line.

**Benjamin C. Kirschenbaum, General Counsel**  
FS Energy, LLC  
622 Third Avenue  
New York, NY 10017  
(212) 634-5438  
ben.kirschenbaum@fsresidential.com

A handwritten signature in black ink, appearing to read 'Benjamin C. Kirschenbaum', is written over a horizontal line.

VERIFICATION

STATE OF NEW YORK

COUNTY OF NEW YORK

Tal Eyal, being first duly sworn, deposes and says that he is the President of FS Energy LLC; that he has read the foregoing Application of FS Energy, 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.

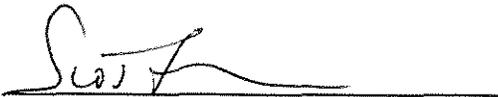


Tal Eyal

To be completed by a Notary Public

Subscribed and sworn to before me

this 12 day of November, 2015



Notary Public

[Stamp of Notary]

SCOT SIMON  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02515044138  
Qualified in New York County  
My Commission Expires May 22, 2019