

STAFF REPORT TO THE COMMISSION

February 15, 2016

ORIGINAL
ILLINOIS COMMERCE COMMISSION

SUBJECT: Agents, Brokers, and Consultants ("ABC") Annual Recertification Reports

SUMMARY: Part 454 of the Commission's rules [83 Ill. Adm. Code 454] implements Section 16-115C of the Public Utilities Act ("Act") [220 ILCS 5/16-115C]. Section 454.110 requires each ABC to file reports demonstrating their continuing compliance with ABC license requirements by March 31 of each year. Section 454.140 requires the Commission to oversee and discipline ABCs. A number of ABCs have not filed the reports that were due March 31, 2015.

BACKGROUND: Section 454.110(a) requires each ABC to file an Annual Recertification Compliance Report with the Commission no later than March 31 each year. This year, Staff reviewed the reports to verify that each licensed ABC filed a compliance report and that all reports contain the reporting requirements stated in Section 454.110. Staff reminded ABCs who failed to file their reports by the deadline and prompted ABCs to correct filed reports that did not satisfy the rule's requirements. Most ABCs have filed their required ABC Annual 2014 Recertification Reports due March 31, 2015. However, Staff has identified 31 ABCs that did not file a report:

The following is a list of ABCs that have, as of this date, neither filed their annual reports that were due March 31, 2015, nor sought to withdraw their license to act as an ABC.

ABCs THAT FAILED TO FILE ANNUAL REPORTS

ABC Name	Docket No.	Final Order Date
ABC Energy Solutions, Inc.	12-0671	January 9, 2013
Alphabuyer, Inc. ¹	11-0371	June 14, 2011
Ameristar Marketing, Inc.	13-0102	April 17, 2013
Business Power Consultants, LLC ²	12-0542	November 28, 2012
C R Sales Solutions, Inc. ³	14-0064	February 20, 2014
Cambridge Engineering & Energy Solutions	09-0608	June 2, 2010
Choice Energy Services Retail, LP	10-0599	December 21, 2010
Commercial and Industrial Energy Solutions, LLC	13-0236	May 1, 2013
Eagle Energy Services, LLC ⁴	12-0538	October 17, 2012
Energy Advisory Service LLC	10-0432	August 18, 2010

¹The Illinois Secretary of State's website indicates the license to do business in Illinois was revoked on September 11, 2015; a certification by the Office of the Secretary of State of revocation of authority to transact business in Illinois for failure to file an annual report and pay an annual franchise tax is attached to this Staff Report as Appendix A. The ICC entered an Order in Docket No. 14-0039 on April 29, 2014, suspending the ABC License for 90 days for failure to file a 2012 Annual Report.

² The Illinois Secretary of State's website indicates a status of Revoked on January 8, 2016.

³ The ICC received a bond cancellation notice on November 19, 2015, and an additional or replacement bond has not been submitted to the Chief Clerk of the Commission pursuant to Section 454.80(b).

⁴ The Illinois Secretary of State's website indicates a status of Involuntary Dissolution on July 10, 2015. The ICC received a bond cancellation notice on September 28, 2015, and an additional or replacement bond has not been submitted to the Chief Clerk of the Commission pursuant to 83 Ill. Adm. Code 454.80(b).

Energy Choice Solutions LLC ⁵	14-0256	April 29, 2014
Facility Solutions Group, Inc.	12-0640	January 9, 2013
Great Lakes Energy LLC ⁶	10-0086	April 21, 2010
Inenco Direct LLC	13-0402	August 20, 2013
InSource Power Inc. ⁷	11-0800	January 25, 2012
JDO Procurement, LLC ⁸	14-0373	May 20, 2014
JFN Consulting, Inc. ⁹	12-0340	June 6, 2012
MR Angel Investors LLC d/b/a Torus Energy Company	14-0376	August 5, 2014
National Energy Partners Incorporated ¹⁰	10-0449	August 18, 2010
Navigate Power, LLC	12-0527	November 28, 2012
Network Services Corp. ¹¹	14-0393	August 5, 2014
Power2Switch, Inc. ¹²	12-0166	May 16, 2012
Safeguard Energy LLC ¹³	12-0482	September 6, 2012
Torch Energy Solutions, LLC ¹⁴	13-0399	July 31, 2013

⁵ The ICC received a bond cancellation notice on September 25, 2015, and an additional or replacement bond has not been submitted to the Chief Clerk of the Commission pursuant to 83 Ill. Adm. Code 454.80(b).

⁶ The Illinois Secretary of State's website indicates the license to do business in Illinois was revoked on February 13, 2015. The ICC entered an Order in Docket No. 14-0045 on April 29, 2014, suspending the ABC License for 90 days for failure to file a 2012 Annual Report.

⁷ The ICC entered an Order in Docket No. 14-0046 on April 16, 2014, suspending the ABC License for 90 days for failure to file a 2012 Annual Report. A certification by the Office of the Secretary of State of revocation of authority to transact business in Illinois on April 11, 2014, for failure to file an annual report and pay an annual franchise tax is attached to this Staff Report as Appendix B.

⁸ The Illinois Secretary of State's website indicates that JDO Procurement LLC was involuntarily dissolved on September 11, 2015.

⁹ The Illinois Secretary of State's website indicates a status of Dissolved on July 11, 2014; a certification by the Office of the Secretary of State of corporate dissolution for failure to file an annual report and pay an annual franchise tax is attached to this Staff Report as Appendix C. The ICC entered an Order in Docket No. 14-0047 on April 16, 2014, suspending the ABC License for 90 days for failure to file a 2012 Annual Report.

¹⁰ The Illinois Secretary of State's website indicates a status of Dissolved on December 13, 2013; a certification by the Office of the Secretary of State of corporate dissolution for failure to file an annual report and pay an annual franchise tax is attached to this Staff Report as Appendix D.

¹¹ The Illinois Secretary of State's website indicates the license to do business in Illinois was revoked on October 9, 2015. A certification by the Office of the Secretary of State of revocation of authority to transact business in Illinois for failure to file an annual report and pay an annual franchise tax is attached to this Staff Report as Appendix E.

¹² The Illinois Secretary of State's website indicates the authority to do business in Illinois was revoked on November 14, 2014. The ICC received a bond cancellation notice on March 20, 2014, and an additional or replacement bond has not been submitted to the Chief Clerk of the Commission pursuant to 83 Ill. Adm. Code 454.80(b). A certification by the Office of the Secretary of State of revocation of authority to transact business in Illinois for failure to file an annual report and pay an annual franchise tax is attached to this Staff Report as Appendix F.

¹³ The ICC entered an Order in Docket No. 14-0050 on April 16, 2014, suspending the ABC License for 90 days for failure to file a 2012 Annual Report. The Illinois Secretary of State's website indicates the status as Involuntary Dissolution on January 10, 2014. The ICC received a bond cancellation notice November 13, 2015, and an additional or replacement bond has not been submitted to the Chief Clerk of the Commission pursuant to 83 Ill. Adm. Code 454.80(b).

¹⁴ The Illinois Secretary of State's website indicates the license to do business in Illinois was revoked on November 13, 2015.

Tritium Energy Consulting, L.L.C. ¹⁵	10-0430	August 18, 2010
U.S. Energy Services, Inc.	11-0798	January 25, 2012
U.S. Sun Energy, Inc. ¹⁶	11-0441	July 7, 2011
Urban Energy Group Inc.	14-0037	February 20, 2014
Utility Management Corporation d/b/a Utility Management Corporation of Illinois	10-0240	June 2, 2010
WIN Utility Brokerage, LLC ¹⁷	11-0716	December 13, 2011
Your Choice Energy LLC d/b/a First Choice Energy LLC ¹⁸	13-0596	December 4, 2013

Section 454.80(a) requires each ABC to execute and maintain a \$5,000 license or permit bond issued by a qualifying surety or insurance company authorized to transact business in the State of Illinois in favor of the People of the State of Illinois. As noted in the above table, seven ABCs had bond cancellation notifications filed on their behalf without submitting a copy of an additional or replacement bond with the Chief Clerk of the Commission pursuant to Section 454.80(b).

RECOMMENDATION: Staff recommends that the Commission initiate a citation proceeding against the delinquent ABCs listed above for failing to file the Annual Recertification Compliance Report for 2014, which was due March 31, 2015. Staff has made multiple contacts in an attempt to obtain the Part 454 continuing compliance reports from the ABCs noted above. However, those attempts have been unsuccessful.

Section 16-115C(g) of the Act provides the Commission's authority to initiate such proceedings and is copied below:

220 ILCS 5/16-115C(g)

The Commission shall have jurisdiction over disciplinary proceedings and complaints for violations of this Section. The findings of a violation of this Section by the Commission shall result in a progressive disciplinary scale. For a first violation, the Commission may, in its discretion, suspend the license of the person so disciplined for a period of no less than one month. For a second violation within a 5-year period, the Commission shall suspend the license for the person so disciplined for a period of not less than 6 months. For a third or subsequent violation within a 5-year period, the Commission shall suspend the license of the disciplined person for a period of not less than 2 years.

¹⁵ The Illinois Secretary of State's website indicates the license to do business in Illinois was revoked on August 10, 2012.

¹⁶ The Illinois Secretary of State's website indicate the authority to do business in Illinois was revoked on October 12, 2012. The ICC received a bond cancellation notice on December 11, 2015, and an additional or replacement bond has not been submitted to the Chief Clerk of the Commission pursuant to 83 Ill. Adm. Code 454.80(b). A certification by the Office of the Secretary of State of revocation of authority to transact business in Illinois for failure to file an annual report and pay an annual franchise tax is attached to this Staff Report as Appendix G.

¹⁷ The Illinois Secretary of State's website indicates the status as Involuntary Dissolution on May 10, 2013. The ICC received a bond cancellation notice on January 22, 2015, and an additional or replacement bond has not been submitted to the Chief Clerk of the Commission pursuant to 83 Ill. Adm. Code 454.80(b).

¹⁸ The Illinois Secretary of State's website indicates the license to do business in Illinois was revoked on January 9, 2015.

For the domestic corporations that have been dissolved, and the foreign corporations whose authority to transact business within the State of Illinois has been revoked, for failure to file an annual report and pay an annual franchise tax, according to records we have received from the Secretary of State, Staff recommends that the citation proceeding also determine whether the certificates granted to these entities should be revoked. Section 4-204 of the Public Utilities Act provides for such proceedings:

220 ILCS 5/4-204

Whenever the Commission receives notice from the Secretary of State that any domestic or foreign corporation regulated under this Act has not paid a franchise tax, license fee or penalty required under The Business Corporation Act of 1983, approved January 5, 1984, as amended, then the Commission shall institute proceedings for the revocation of the franchise, license, permit or right to engage in any business required under this Act or the suspension thereof until such time as the delinquent franchise tax, license fee or penalty is paid.

For the entities that had bond cancellation notifications filed on their behalf without submitting a copy of an additional or replacement bond with the Chief Clerk of the Commission pursuant to Section 454.80(b), it is recommended that the apparent failure to comply with that rule be investigated as a separate possible violation of 83 Ill. Adm. Code 454.

Prepared by

Christy Pound, Market Development Associate, Office of Retail Market Development

Approved by

Torsten Clausen, Director, Office of Retail Market Development

Anniversary APRIL
County SANGAMON

STATE OF ILLINOIS
Office Of
THE SECRETARY OF STATE

F 6784-763-6
File Number

**CERTIFICATE OF REVOCATION OF AUTHORITY OF FOREIGN CORPORATION
TO TRANSACT BUSINESS IN ILLINOIS**

WHEREAS it appears that

ALPHABUYER, INC.
% INCORP SERVICES INC
901 S 2ND ST STE 201
SPRINGFIELD IL 62704-7909

100511



being a corporation organized under the laws of the State of **DELAWARE**
and duly authorized to transact business under the provisions of the laws of the State of
Illinois, relating to Foreign Corporations, has failed to file an annual report and pay an
annual franchise tax
as required by provisions of "The Business Corporation Act" of the State of Illinois, in
force July 1, A.D. 1984, and all acts amendatory thereof; AND WHEREAS, said acts
provided that upon failure to file an annual report and pay an annual franchise tax
the Secretary of State shall revoke the authority of such corporation to transact business
in the State of Illinois;
NOW THEREFORE, the Secretary of State of the State of Illinois, hereby revokes the
certificate of the above corporation in pursuance of the provisions of the aforesaid Act.



H000381

IN TESTIMONY WHEREOF, I hereto set my hand and
cause to be affixed the Great Seal of the State of Illinois.
Done at the City of Springfield,
this 11 th day of SEPTEMBER A.D. 2015

Dee White
Secretary of State

Anniversary NOVEMBER
County COOK

STATE OF ILLINOIS
Office Of
THE SECRETARY OF STATE

F 6810-068-2
File Number

CERTIFICATE OF REVOCATION OF AUTHORITY OF FOREIGN CORPORATION
TO TRANSACT BUSINESS IN ILLINOIS

WHEREAS it appears that

IN SOURCE POWER, INC.
% NATIONAL REGISTERED AGENTS INC 110711
200 WEST ADAMS STREET
CHICAGO IL 60606

being a corporation organized under the laws of the State of NEVADA
and duly authorized to transact business under the provisions of the laws of the State of
Illinois, relating to Foreign Corporations, has failed to file an annual report and pay an
annual franchise tax
as required by provisions of "The Business Corporation Act" of the State of Illinois, in
force July 1, A.D. 1984, and all acts amendatory thereof; AND WHEREAS, said acts
provided that upon failure to file an annual report and pay an annual franchise tax
the Secretary of State shall revoke the authority of such corporation to transact business
in the State of Illinois;
NOW THEREFORE, the Secretary of State of the State of Illinois, hereby revokes the
certificate of the above corporation in pursuance of the provisions of the aforesaid Act.



H000307

IN TESTIMONY WHEREOF, I hereto set my hand and
cause to be affixed the Great Seal of the State of Illinois.

Done at the City of Springfield,

this 11 th day of APRIL A.D. 2014

Oliver White

Secretary of State

Anniversary FEBRUARY
County COOK

STATE OF ILLINOIS
Office Of
THE SECRETARY OF STATE

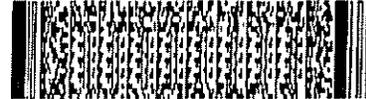
D 6638-804-2
File Number

CERTIFICATE OF DISSOLUTION OF DOMESTIC CORPORATION
BUSINESS CORPORATION ACT

WHEREAS it appears that

JFN, CONSULTING INC.
% NANCY MORENO
111 W WASHINGTON ST STE 1251
CHICAGO IL 60602-3473

020408



being a corporation organized under the laws of the State of Illinois relating to Domestic Corporations has failed to file an annual report and pay an annual franchise tax

as required by the provisions of "The Business Corporation Act" of the State of Illinois, in force JULY 1, A.D. 1984 and all acts amendatory thereof; AND WHEREAS, said acts provided that upon failure to file an annual report and pay an annual franchise tax

the Secretary of State shall dissolve the corporation.

NOW THEREFORE, the Secretary of State of the State of Illinois, hereby dissolves the above corporation in pursuance of the provisions of the aforesaid Act.



IN TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed the Great Seal of the State of Illinois.

Done at the City of Springfield,

this 11 th day of JULY A.D. 2014

Dee White

Secretary of State

H004489

Anniversary JULY
County KANE

STATE OF ILLINOIS
Office Of
THE SECRETARY OF STATE

D 6751-903-5
File Number

**CERTIFICATE OF DISSOLUTION OF DOMESTIC CORPORATION
BUSINESS CORPORATION ACT**

WHEREAS it appears that

NATIONAL ENERGY PARTNERS INCORPORATED
% PAUL R MIDDLETON 070610
8318 SIERRA WOODS LN
CARPENTERSVILLE IL 60110-3388

being a corporation organized under the laws of the State of Illinois relating to Domestic Corporations has failed to file an annual report and pay an annual franchise tax as required by the provisions of "The Business Corporation Act" of the State of Illinois, in force JULY 1, A.D. 1984 and all acts amendatory thereof; AND WHEREAS, said acts provided that upon failure to file an annual report and pay an annual franchise tax the Secretary of State shall dissolve the corporation.

NOW THEREFORE, the Secretary of State of the State of Illinois, hereby dissolves the above corporation in pursuance of the provisions of the aforesaid Act.



IN TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed the Great Seal of the State of Illinois.

Done at the City of Springfield,

this 13 th day of DECEMBER A.D. 2013

Deese White
Secretary of State

H005076

Anniversary MAY
County COOK

STATE OF ILLINOIS
Office Of
THE SECRETARY OF STATE

F 6951-683-1
File Number

CERTIFICATE OF REVOCATION OF AUTHORITY OF FOREIGN CORPORATION
TO TRANSACT BUSINESS IN ILLINOIS

WHEREAS it appears that

NETWORK SERVICES CORP.
% C T CORPORATION SYSTEM
208 SO LASALLE ST, SUITE 814
CHICAGO IL 60604-1101

050114



being a corporation organized under the laws of the State of CALIFORNIA
and duly authorized to transact business under the provisions of the laws of the State of
Illinois, relating to Foreign Corporations, has failed to file an annual report and pay an
annual franchise tax
as required by provisions of "The Business Corporation Act" of the State of Illinois, in
force July 1, A.D. 1984, and all acts amendatory thereof; AND WHEREAS, said acts
provided that upon failure to file an annual report and pay an annual franchise tax

the Secretary of State shall revoke the authority of such corporation to transact business
in the State of Illinois;

NOW THEREFORE, the Secretary of State of the State of Illinois, hereby revokes the
certificate of the above corporation in pursuance of the provisions of the aforesaid Act.



H000449

IN TESTIMONY WHEREOF, I hereto set my hand and
cause to be affixed the Great Seal of the State of Illinois.

Done at the City of Springfield,

this 9 th day of OCTOBER A.D. 2015

Dee White
Secretary of State

Anniversary JUNE
County COOK

STATE OF ILLINOIS
Office Of
THE SECRETARY OF STATE

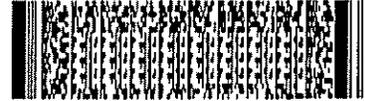
F 6789-194-5
File Number

CERTIFICATE OF REVOCATION OF AUTHORITY OF FOREIGN CORPORATION
TO TRANSACT BUSINESS IN ILLINOIS

WHEREAS it appears that

POWER2SWITCH, INC.
% OLUSEYI FABODE
650 W LAKE ST SUITE 320
CHICAGO IL 60661

052112



being a corporation organized under the laws of the State of DELAWARE
and duly authorized to transact business under the provisions of the laws of the State of
Illinois, relating to Foreign Corporations, has failed to file an annual report and pay an
annual franchise tax
as required by provisions of "The Business Corporation Act" of the State of Illinois, in
force July 1, A.D. 1984, and all acts amendatory thereof; AND WHEREAS, said acts
provided that upon failure to file an annual report and pay an annual franchise tax
the Secretary of State shall revoke the authority of such corporation to transact business
in the State of Illinois;
NOW THEREFORE, the Secretary of State of the State of Illinois, hereby revokes the
certificate of the above corporation in pursuance of the provisions of the aforesaid Act.



H000378

IN TESTIMONY WHEREOF, I hereto set my hand and
cause to be affixed the Great Seal of the State of Illinois.
Done at the City of Springfield,
this 14 th day of NOVEMBER A.D. 2014

Deese White
Secretary of State

Anniversary MAY
County COOK

STATE OF ILLINOIS
Office Of
THE SECRETARY OF STATE

F 6788-477-9
File Number

CERTIFICATE OF REVOCATION OF AUTHORITY OF FOREIGN CORPORATION
TO TRANSACT BUSINESS IN ILLINOIS

WHEREAS it appears that

U.S. SUN ENERGY, INC.
7 NATIONAL REGISTERED AGENTS INC 051311
200 WEST ADAMS STREET
CHICAGO IL 60606

being a corporation organized under the laws of the State of TEXAS

and duly authorized to transact business under the provisions of the laws of the State of Illinois, relating to Foreign Corporations, has failed to file an annual report and pay an annual franchise tax

as required by provisions of "The Business Corporation Act" of the State of Illinois, in force July 1, A.D. 1984, and all acts amendatory thereof; AND WHEREAS, said acts provided that upon failure to file an annual report and pay an annual franchise tax

the Secretary of State shall revoke the authority of such corporation to transact business in the State of Illinois;

NOW THEREFORE, the Secretary of State of the State of Illinois, hereby revokes the certificate of the above corporation in pursuance of the provisions of the aforesaid Act.



H000380

IN TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed the Great Seal of the State of Illinois.

Done at the City of Springfield,

this 12 th day of OCTOBER A.D. 2012

Dee White
Secretary of State