

ILLINOIS COMMERCE COMMISSION

2016 AUG 10 A 11: 18

ENGIE Retail, LLC d/b/a Think Energy :
:
Application for Certificate of :
Service Authority under Section :
19-110 of the Public Utilities Act :

CHIEF CLERK'S OFFICE
Docket No. 16-0391

APPLICATION

ENGIE Retail, 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 19-110 of the Public Utilities Act ("Act"). In support of its application, Applicant states as follows:

General

- 1. Applicant's name and street address: **ENGIE Retail, LLC d/b/a Think Energy**
- 2. Related Information

Type of business entity (corporation, limited partnership, limited liability company, etc.): **Limited liability company**

Jurisdiction in which and under whose laws business entity was created: **DE**

Other names under which Applicant does business: **Think Energy (f/k/a GDF SUEZ Retail Energy Solutions, LLC d/b/a Think Energy)**

Federal Employer Identification Number: **35-2408190**

Registered agent in Illinois: **Capitol Corporate Services, Inc.
1315 W. Lawrence Avenue
Springfield, IL 62704**

- 3. Does Applicant currently have other authority from the Commission to be an AGS? If yes, provide the Commission docket number under which current authority was granted and state whether Applicant requests that such current authority be consolidated with any authority granted pursuant to this application, under the docket number of this application. **No.**
- 4. Contact persons for the following:

- a) Issues related to processing this application;

Julian Mithani
Senior Attorney
1990 Post Oak Blvd., Suite 1900
Houston, TX 77056
Tel: (713) 636-1797
Fax: (713) 636-1601
Email: julian.mithani@na.engie.com

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

Julian Mithani
Senior Attorney
1990 Post Oak Blvd., Suite 1900
Houston, TX 77056
Tel: (713) 636-1797
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and

- c) Technical issues, including scheduling of natural gas deliveries.

Everett Curtis
Supply Manager
1990 Post Oak Blvd., Suite 1900
Houston, TX 77056
Tel: (713) 636-1867
Fax: (713) 636-1601
Email: everett.curtis@na.engie.com

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

- 5. Applicant certifies that it will:

- a) 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 interstate natural gas system; [83 Ill. Adm. Code 551.20(a)]
- b) Provide service to residential or small commercial customers that are eligible to take service from an AGS; [551.20(b)]
- c) Comply with informational and reporting requirements that the Commission may by rule establish; [551.20(c)] and

- d) Comply with all other applicable laws and regulations and Commission rules and orders. [551.20(d)]
- 6. Applicant agrees to submit good faith schedules of natural gas deliveries in accordance with applicable tariffs. [551.20(a)]
- 7. Demonstration that Applicant is licensed to do business in the State of Illinois. [551.20(e)]
 - (a) ***Applicant's Certificate of Good Standing presented by the Office of the Secretary of State, the State of Illinois, under File No. 0354862-7 dated August 2, 2016 – see Exhibit 1-1 attached hereto.***
 - (b) ***Applicant's Application for Admission to Transact Business presented by the Office of the Secretary of State, the State of Illinois, under File No. 0354862-7 dated May 3, 2011 – see Exhibit 1-2 attached hereto.***
 - (c) ***Applicant's Application to Adopt, Change, Cancel or Renew an Assumed Name presented by the Office of the Secretary of State, the State of Illinois, under File No. 0354862-7 dated August 15, 2011 – see Exhibit 1-3 attached hereto.***
 - (d) ***Applicant's Amended Application for Admission and Application to Reserve a Name presented by the Office of the Secretary of State, the State of Illinois, under File No. 03548627 dated November 24, 2015 – see Exhibit 1-4 attached hereto.***
- 8. Description of Applicant's business. [551.30(c)(1)]

Applicant is a wholly-owned, sole member-managed subsidiary of ENGIE Resources LLC (f/k/a ENGIE Resources Inc. and GDF SUEZ Energy Resources NA, Inc.) (hereinafter "ENGIE Resources"), which is a wholly-owned subsidiary of ENGIE North America, Inc. (f/k/a GDF SUEZ Energy North America, Inc.) (hereinafter "ENA"). ENGIE Resources is the retail electricity operating group for ENA, its parent company that engages in electricity generation and cogeneration, natural gas and LNG, renewable energy, and asset-based trading and origination. ENGIE Resources, 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 (f/k/a GDF SUEZ Retail Energy Solutions, LLC d/b/a Think Energy) currently serves the small commercial and residential markets as a licensed retail electric supplier in Illinois, licensed pursuant to ICC Certificate No. 11-0531, granted on September 21, 2011. Applicant is also currently a retail natural gas supplier in Ohio and Pennsylvania.

- 9. Identify the utility service territory (Note: Applicable territories for both residential and small commercial customers are Nicor, Peoples Gas, and North Shore Gas -

-- Ameren is currently limited to small commercial customers) in which Applicant seeks to be authorized to offer service and the types of services it intends to offer. [551.30(c)]

Applicant will serve the following territories:

***Nicor Gas Company;
The Peoples Gas Light and Coke Company; and
North Shore Gas Company.***

10. Description of the characteristics of the residential or small commercial customer group(s) Applicant proposes to serve. [551.30(c)(2)]

Applicant intends to serve both residential and small commercial customer groups in the territories referenced in #9 above.

11. Proof of notification to each utility of Applicant's intent to serve in the utility's service area is provided in **Attachment A**. [551.30(c)(3)]
12. Applicant certifies compliance with all applicable terms and conditions required by Section 19-115 of the Act. [551.30(d)(2)]
13. 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. [551.40(a)]
14. Applicant agrees to adopt and follow rules and procedures to preserve the confidentiality of its customer's data. [551.40(b)]
15. If Applicant seeks to serve customers within a geographic area that is smaller than a gas utility's service area, then Applicant must demonstrate that the designation of this smaller area does not violate any part of Section 19-115 of the Act. [551.70(a)]
16. Applicant certifies that all marketing materials that make statements concerning prices, terms and conditions of service contain information that adequately disclose the prices, terms and conditions of the products or services that the Applicant is offering or selling to the customers. [551.70(b)(1)]
17. Applicant certifies that, prior to switching any customer from another supplier, the Applicant will provide 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. [551.70(b)(2)]

18. (Applies to Residential Suppliers Only) Applicant certifies that it will provide to the residential customer accurate, timely, and itemized billing statements that describe the products and services provided to the customer and their prices and that specify the gas consumption amount and any service charges and taxes; and 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 residential customer. [551.70(b)(3)]
19. Applicant certifies that it will provide refunds of any deposits with interest within 30 days after the date that the residential or small commercial customer changes gas suppliers or discontinues service if the customer has satisfied all of its outstanding financial obligations to the Applicant at an interest rate set by the Commission which shall be the same as that required of gas utilities. [551.70(b)(4)]
20. Applicant certifies that it will provide timely refunds of any undisputed overpayments upon oral or written request of the residential or small commercial customer. [551.70(b)(5)]
21. File procedures with the Commission that address the manner in which the Applicant will resolve disputed bills with its customers. These procedures should comply with the requirements of 551.70(b)(6).
22. Applicant certifies that it will inform its customers how to contact the Commission to obtain consumer education materials provided pursuant to Section 19-125 of the Act. [551.70(b)(7)]
23. Applicant states whether it has been denied a natural gas supplier license in any state in the United States. [19-110(d)] – ***Applicant has never been denied a natural gas supplier license in any state in the United States.***
24. Applicant states whether it has had a natural gas supplier license suspended or revoked by any state in the United States. [19-110(d)] – ***Applicant has never had a natural gas supplier license suspended or revoked by any state in the United States.***
25. Applicant states where, if any, it has other natural gas supplier license applications are pending in the United States. [19-110(d)]

Applicant is currently submitting a natural gas supplier license application for the state of New Jersey. Applicant is currently licensed as follows:

STATE OF LICENSE	LICENSE NO.	LICENSE ISSUE DATE
OH	Certificate #15-479G(1)	11/22/2015
PA	License No. A-15-2510472	12/17/2015

26. Applicant states whether it is the subject of any lawsuits filed in a court of law or formal complaints filed with a regulatory agency alleging fraud, deception or unfair marketing practices, or other similar allegations, identifying the name, case number, and jurisdiction of each such lawsuit or complaint. [19-110(d)] – **see formal complaints listed below with respect to Applicant’s licensure as a retail electricity supplier:**

CUSTOMER	JURISDICTION	NATURE OF COMPLAINT
<i>Eric Alamo</i>	<i>PA PUC</i>	<i>Slamming allegation from a utility-enrolled Customer intended to file against utility, but erroneously filed against Applicant.</i>
<i>William R. Cook d/b/a Dairy Queen</i>	<i>PA PUC</i>	<i>Applicant enrolled the customer for July 2015 instead of July 2016 due to a system error. The customer notified Applicant. Applicant immediately requested copies of the ETF bills in order to issue a refund and make the customer whole. Applicant processed the refund request for both ETFs totaling \$2,000.00. The customer received the check via FedEx as of 9/16/2015. A Certificate of Satisfaction was filed on 09/17/2015 resolving the case.</i>
<i>Ahtesham Ahmed d/b/a Postal Express</i>	<i>TX PUC</i>	<i>Customer concerned about rising TDU delivery charges and higher bill than previous months. Discovered customer’s demand increased which caused an increased charge from the utility.</i>

27. Applicant certifies its commitment of resources to the management of sales and marketing staff, through affirmative managerial policies, independent audits, technology, hands on field monitoring and training, and, in the case of any sales personnel or sales agents, within the State of Illinois, the applicant’s managerial presence within the State. [19-110(e)(1)(C)]
28. Applicant 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. 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.

Financial Qualifications – this section needs to be submitted confidentially.

29. Applicant's required license or permit bond is provided in **Attachment B.** [551.50(a)] – ***License or Permit Bond No. 106508177 issued by Travelers Casualty and Surety Company of America in favor of The People of The State of Illinois for the amount of \$150,000 dated July 1, 2016.***
30. Required materials or certifications supporting Applicant's financial qualifications pursuant to Subsection 551.80(b) (specify which subsection of 551.80 Applicant is meeting) are provided in **Attachment C.** [551.80] – ***Applicant is a wholly-owned, sole-member managed subsidiary of ENGIE Resources LLC (f/k/a as GDF SUEZ Energy Resources Inc.) and is also currently licensed as an alternative retail electric supplier in the State of Illinois. Applicant is posting a Permit Bond (see #29 above) and attaches hereto ENGIE Resources' Experian Credit Report demonstrating financial qualifications to become a natural gas supplier in the State of Illinois.***

Technical Qualifications

31. Applicant ***will not*** use natural gas transmission or distribution facilities that it owns, controls or operates in serving customers. Required materials supporting Applicant's technical qualifications are provided in **Attachment D.** [551.90]

Managerial Qualifications

32. Required materials supporting Applicant's managerial qualifications are provided in **Attachment E.** [551.100]

WHEREFORE, Applicant requests that the Commission grant its application for service authority to serve residential and small commercial natural gas customers in the Nicor Gas, Peoples Choice Gas and North Shore Gas territories.

Respectfully submitted,

ENGIE Retail, LLC d/b/a Think Energy

By: 

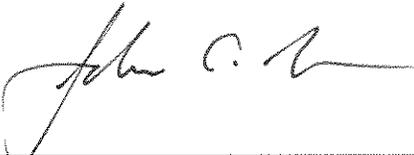
John Henderson, Sr. Vice President
1900 Post Oak Blvd., Suite 1900
Houston, TX 77056
Tel: (713) 636-1797
Email: john.henderson@na.engie.com

cc: Assigned Administrative Law Judge
Consumer Services Division
Finance Department, Financial Analysis Division
Energy Engineering Program, Safety & Reliability Division

VERIFICATION

STATE OF TEXAS)
COUNTY OF HARRIS) ss:

JOHN HENDERSON, being first duly sworn, deposes and says that he is the SENIOR VICE PRESIDENT for Applicant; that he has read the foregoing Application of ENGIE Retail, LLC d/b/a Think Energy, 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.

Am 

JOHN HENDERSON, Senior Vice President

Subscribed and sworn to before me
this 4th day of August, 2016.



MARSHA FROST GRIFFIN, Notary Public

