



**Green
Mountain
Energy®**

Green Mountain Energy Company
P.O. Box 689008
Austin, Texas 78768
greenmountain.com

May 20, 2011

Via Federal Express

Pennsylvania Public Utility Commission
Secretary
Keystone Building, 2nd Floor, Room N201
Harrisburg, PA 17120

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Docket No. A-2011-2229050
Green Mountain Energy Company
Updates to Electric Supplier License Application

Ladies and Gentlemen,

Green Mountain Energy Company ("Green Mountain") submits the following informational update to the Attachment for Question 8.a – Technical Fitness of its license application:

On May 18, 2011, the Illinois Commerce Commission ("ICC") granted Green Mountain a Certificate of Service Authority to operate as an Alternative Retail Electric Supplier serving eligible nonresidential retail electric customers in Illinois. A copy of the final Order is attached.

Please do not hesitate to contact me should you have questions or need additional information.

Sincerely,

L. Michelle Cutrer
Assistant General Counsel
Green Mountain Energy Company
300 West 6th Street, 9th Floor
Austin, Texas 78701
Phone: (512) 691-6127
Email: michelle.cutrer@greenmountain.com

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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Green Mountain Energy Company :
: **11-0326**
Application for Certificate of :
Service Authority under Section :
16-115 of the Public Utilities Act. :

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

ORDER

By the Commission:

I. PRELIMINARY MATTERS

On April 5, 2011, Green Mountain Energy Company ("Applicant" or "Green Mountain") filed a verified application with the Illinois Commerce Commission ("Commission") requesting a certificate of service authority to operate as an alternative retail electric supplier ("ARES") in Illinois pursuant to Section 16-115 of the Public Utilities Act ("Act"), 220 ILCS 5/1-101 et seq., and 83 Ill. Adm. Code 451 ("Part 451"). Applicant submitted its certificate of publication showing that on April 7, 2011, proper notice of the application was published in the official State newspaper. The Administrative Law Judge requested clarification of certain matters contained in the application. Applicant filed a verified response to the Administrative Law Judge on May 3, 2011. A proposed order was served on Applicant. No brief on exceptions was filed by Applicant.

II. BACKGROUND AND AUTHORITY SOUGHT BY APPLICANT

Applicant requests authority to offer the sale of electricity and power to eligible nonresidential retail customers with annual electrical consumption greater than 15,000 kilowatt-hours ("kWh") in the service territory of Commonwealth Edison Company ("ComEd").

III. REQUIREMENTS FOR ALL APPLICANTS UNDER SECTION 16-115(d) OF THE ACT

Applicant, a Delaware corporation, principally markets and sells retail renewable electricity products to residential and commercial customers. Applicant is a wholly owned subsidiary of NRG Energy, Inc., which is the ultimate parent of Reliant Energy Northeast LLC ("REN"). Currently, REN is licensed to sell electric supply services in Illinois, Maryland, Pennsylvania, Washington D.C., New Jersey and Delaware.

Green Mountain has been serving both retail and commercial retail electric customers in Texas since 2001 and in New York since August 2009. Green Mountain

also provides "renewable energy credit" supply and marketing services to an incumbent utility in Oregon. Green Mountain is a licensed Green Power Marketer in the State of New Jersey. Green Mountain also markets and sells renewable energy credits and carbon offsets nationwide. Green Mountain served residential and commercial retail electric customers in the Commonwealth of Pennsylvania from October 1998 until May 2006, in the State of New Jersey from March 2000 until early 2006, and in the State of Ohio from September 2001 until the end of 2005.

Applicant applied for a license to serve commercial and industrial retail electric customers in the State of New Jersey on January 21, 2011. The New Jersey Board of Public Utilities approved Applicant's license application at a meeting on March 30, 2011. On March 2, 2011, Applicant applied for a license to serve commercial, governmental and industrial retail electric customers in the Commonwealth of Pennsylvania. Applicant indicates this license application is currently pending.

Applicant does not intend to install, operate, or maintain generation, transmission, or distribution facilities within the State of Illinois. Therefore, no demonstration of compliance with the requirements of Section 451.20(f)(2) has been made and Applicant's employees are not permitted to perform such functions, and other entities are not permitted to perform such functions pursuant to contractual arrangements with Applicant.

Applicant has certified that it will comply with all applicable regulations; that it will provide service only to retail customers eligible to take such services; that it will comply with informational and reporting requirements established by Commission rule; that it will comply with informational and reporting requirements pursuant to Section 16-112 of the Act; and that it will comply with all other applicable laws, regulations, terms, and conditions required to the extent they have application to the services being offered by an ARES. Additionally, Applicant has agreed to submit good faith schedules of transmission and energy in accordance with applicable tariffs. Applicant has agreed to adopt and follow rules relating to customer authorizations, billing records, and retail electric services and agrees to retain requests for delivery services transmitted to utilities for a period of not less than two calendar years after the calendar year in which they are created. Applicant has agreed to adopt and follow rules and procedures to preserve the confidentiality of its customers' data.

Applicant agrees to procure renewable energy resources as required by Section 16-115D and subsection (d) of Section 16-115 of the Act. Applicant also certifies that it will source electricity from clean coal facilities as required by Section 16-116(d)(5) of the Act.

Applicant certifies that it has not been denied an electric supplier license in any state in the United States; it has not had an electric supplier license suspended or revoked by any state in the United States.

Pursuant to the requirements of Section 451.50 of Part 451, Applicant provided a License or Permit Bond in the amount of \$150,000 issued by a qualifying surety authorized to transact business in Illinois.

IV. FINANCIAL, TECHNICAL, AND MANAGERIAL REQUIREMENTS OF SECTION 16-115

Applicant asserts that it meets the financial qualifications set forth in Section 16-115(d)(1). Included in attachments to its application were documents intended to demonstrate that it meet the requirements of Section 451.220(a)(3). Applicant certifies that it is a member of PJM Interconnection ("PJM") and that it will purchase 100% of its physical energy from PJM for delivery to the service territory of the utility for which Applicant is seeking certification. Applicant also provided documents to support its assertions.

Applicant represents that it meets the technical and managerial qualifications set forth in Section 16-115(d)(1) of the Act and Sections 451.230 and 451.240 of Part 451. In attachments to its application and amended application, Applicant identified the personnel who purportedly satisfy the criteria and provided biographical information for these individuals.

In attachments to the application, Applicant indicated that over the last five years it had numerous informal complaints filed against it, primarily in Texas. With regard to formal complaints; however, Applicant indicates that there have only been six formal complains filed against it over the last five years and that each was either resolved or dismissed. Finally, Applicant provided documents indicating that for the period August 1, 2010 through January 31, 2011, Applicant had a "Lower than Average Rate of Complaints" score in Texas.

Applicant provided a telephone number and facsimile number where its staff can be directly reached at all times. Having reviewed the information submitted by Applicant, the Commission concludes that Applicant meets the financial, technical, and managerial qualifications set forth in Section 16-115(d)(1) of the Act and Subpart C of Part 451.

Green Mountain requested an order to protect certain information used to meet the requirements of Section 451.230 and 451.240 from public disclosure. Applicant says this information consists of commercially sensitive information regarding Green Mountain employees and commercially sensitive information regarding employees of subsidiaries of NRG Energy, Inc.

Green Mountain argues that disclosure of this information and use by a competitor is apt to cause competitive harm to Green Mountain and affiliates that it relies on in conducting business. Green Mountain argues that disclosure of information regarding the expertise and responsibilities of employees as well as company organization would give competitors a list from which to recruit employees to the

disadvantage of Green Mountain and its affiliates. Green Mountain claims disclosure of such information would also give competitors knowledge of how Green Mountain organizes and conducts its business internally, which could allow competitors an unfair advantage.

Green Mountain indicates that it is a wholly-owned subsidiary of NRG Energy and that NRG Energy is also the ultimate parent of Reliant Energy Northeast LLC. Green Mountain reports that in connection with REN's application for a certificate of service authority in Illinois, Docket No. 11-0080, REN requested confidential treatment of NRG Energy employee information. Green Mountain says that the March 15, 2011 Order in Docket No. 11-0080 granted confidential treatment of the information for a two-year period. Green Mountain claims that information for which it requests confidential treatment is the same type of information for which a similar request was granted in Docket No. 11-0080.

The requirements of Part 451 are applicable to all applicants seeking a certificate of service authority in Illinois. Although modified from time to time, these rules have been in affect since 1999. It is the general policy of the Commission that documents that it maintains are open to public inspection. The Commission notes that generally speaking, over the last twelve years the information relating to technical and managerial requirements, Sections 451.230 and 451.240, as well as similar subsections of other subparts, have been treated as public information. The Commission's decision in Docket No. 11-0080 appears to be an exception to the rule and the Commission does not believe it should constitute a change in general policy. Instead, the Commission concludes that that Green Mountain's request for confidential treatment should be denied.

V. COMMISSION CONCLUSION AND CERTIFICATE OF SERVICE AUTHORITY

The Commission has reviewed the application and attachments along with the supplementary information provided by Applicant regarding the technical, financial, and managerial requirements and all other requirements of the Act and Part 451 and finds that the Applicant sufficiently demonstrates compliance with the requirements.

The Commission concludes, therefore, that Applicant's request for a certificate of service authority to operate as an ARES in Illinois should be granted and should include the following authority:

CERTIFICATE OF SERVICE AUTHORITY

IT IS CERTIFIED that Green Mountain Energy Company is granted service authority to operate as an Alternative Retail Electric Supplier as follows:

SERVICES TO BE PROVIDED: The sale of electricity and power.

CUSTOMERS TO BE SERVED: All eligible nonresidential retail customers with annual electrical consumption greater than 15,000 kilowatt-hours.

GEOGRAPHIC REGION(S) SERVED: The service area of Commonwealth Edison Company.

VI. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having reviewed the entire record, is of the opinion and finds that:

- (1) Applicant, Green Mountain Energy Company a business organized under the laws of Delaware, seeks a certificate of service authority to operate as an alternative retail electric supplier under Section 16-115 of the Act;
- (2) the Commission has jurisdiction over the parties hereto and the subject matter hereof;
- (3) the recitals of fact and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact, as required by Section 16-115(d)(1) of the Act;
- (4) Applicant's request for a protective order to prevent public disclosure of certain information should be denied;
- (5) Applicant has demonstrated that it possesses sufficient financial, managerial and technical resources and abilities to provide power and energy to eligible nonresidential retail customers throughout the area certified herein;
- (6) Applicant has complied with Section 16-115(d)(1) through (5) and (8) of the Act and 83 Ill. Adm. Code 451; and
- (7) Green Mountain Energy Company should be granted the certificate of service authority to operate as an alternative retail electric supplier as specified in Section V of this Order.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that Green Mountain Energy Company is hereby granted the Certificate of Service Authority as set forth in Section V of this Order.

IT IS FURTHER ORDERED that Green Mountain Energy Company's request for a protective order to prevent public disclosure of certain information is hereby denied.

IT IS FURTHER ORDERED that Green Mountain Energy Company shall comply with all applicable Commission rules and orders now and as hereafter amended.

IT IS FURTHER ORDERED that, subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By order of the Commission this 18th day of May, 2011.

(SIGNED) DOUGLAS P. SCOTT

Chairman

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SECRETARY'S BUREAU

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