

**John F. Povilaitis**  
717 237 4825  
john.povilaitis@bipc.com

409 North Second Street, Suite 500  
Harrisburg, PA 17101-1503  
T 717 237 4800  
F 717 233 0852  
www.buchananingersoll.com

December 28, 2017

**VIA E-FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
Harrisburg, PA 17120

Re: Application of Interactive Energy Group LLC for Approval to Offer, Render, Furnish or Supply Electricity or Electric Generation Services as a Broker/Marketer to the Public in the Commonwealth of Pennsylvania, Docket No. A-2017-2635016


Dear Secretary Chiavetta:

Attached for e-filing with the Pennsylvania Public Utility Commission ("Commission") are the Responses of Interactive Energy Group LLC to the Commission Staff's Data Requests dated November 28, 2017 regarding Interactive Energy Group LLC's Electric Generation Supplier License Application, at Docket No. A-2017-2635016. Included with the Responses are the non-confidential documents and information requested by Staff for Data Requests 4 and 5 along with a signed Verification.

Responses to Data Requests 1, 2 and 3 contain confidential and proprietary information and a hardcopy of these confidential responses and documents are being filed separately with the Commission via hand delivery under seal of confidentiality.

If you have any questions regarding this filing, please contact me. Thank you.

Very truly yours,



John F. Povilaitis

JFP/gm  
Attachments  
cc: Certificate of Service

## ATTACHMENTS

**Interactive Energy Group LLC  
EGS License Application  
Docket No. A-2017-2635016**

---

**RESPONSES AND DOCUMENTS FOR STAFF DATA REQUESTS DATED 11/28/17**

- Attachment 1      **CONFIDENTIAL** (filed separately under seal)  
  
Section 2.b., Formation Documents –  
Limited Liability Company Agreement
- Attachment 2      **CONFIDENTIAL** (filed separately under seal)  
  
Section 7.b., Financial Fitness –  
Organizational Chart, Letter of Good Standing, Certificate of Liability  
Insurance, 2016 Audited Financial Statements, 2017 Audited Financial  
Statements
- Attachment 3      **CONFIDENTIAL** (filed separately under seal)  
  
Section 7.f., Taxation –  
Tax Certification Statement with Revenue ID Number
- Attachment 4      Section 8.a., Technical Fitness –  
Copies of licenses for the other states or jurisdictions
- Attachment 5      Section 11, Affidavits –  
Updated notarized Application Affidavit and Operations Affidavit

## **ATTACHMENT 4**

**"Jurisdictions of Operation"**

| <b>Affiliate</b>                       | <b>Province/State</b> | <b>License Type</b> | <b>License Order/Docket #</b> |
|--|-----------------------|---------------------|-------------------------------|
| Hudson Energy Canada Corp.             | Alberta               | Electric            | 331458                        |
| Hudson Energy Canada Corp.             | Alberta               | Gas                 | 331459                        |
| Just Energy Alberta L.P.               | Alberta               | Gas                 | 325637                        |
| Just Energy Alberta L.P.               | Alberta               | Electricity         | 325638                        |
| Just Energy Alberta L.P.               | Alberta               | Direct Seller       | 345191                        |
| Just Energy (B.C.) Limited Partnership | British Columbia      | Gas                 | A-16-15                       |
| Just Energy Solutions Inc.             | California            | Electric            | 1092                          |
| Just Energy Solutions Inc.             | California            | Gas                 | CTA0010                       |
| Hudson Energy Services, LLC            | Connecticut           | Gas                 | 12-04                         |
| Just Energy Solutions Inc.             | Delaware              | Electric            | Order No. 7330                |
| Just Solar Holdings Corp.              | Delaware              |                     | File number: 5666263          |
| Just Energy Solutions Inc.             | Georgia               | Gas                 | GM-30                         |
| Just Energy Illinois Corp.             | Illinois              | Gas                 | Docket 03-0720                |
| Just Energy Solutions Inc.             | Illinois              | Electric            | Docket 06-0723                |
| Just Energy Solutions Inc.             | Illinois              | Gas                 | Docket 07-0501                |
| Hudson Energy Services, LLC            | Illinois              | Electric            | Docket 07-0455                |
| Just Energy Indiana Corp.              | Indiana               | Gas                 | No license requirement        |
| Just Energy Manitoba L.P.              | Manitoba              | Gas                 | 622                           |
| Just Energy Solutions Inc.             | Maryland              | Electric            | IR-639                        |
| Just Energy Solutions Inc.             | Maryland              | Gas                 | IR-737                        |
| Hudson Energy Services, LLC            | Maryland              | Electric            | IR-1114                       |
| Hudson Energy Services, LLC            | Maryland              | Gas                 | IR-1120                       |
| Just Energy Massachusetts Corp.        | Massachusetts         | Electric            | CS-069                        |
| Hudson Energy Services, LLC            | Massachusetts         | Electric            | CS-061                        |
| Hudson Energy Services, LLC            | Massachusetts         | Gas                 | GS-034                        |
| Just Energy Solutions Inc.             | Michigan              | Electric            | U-13203                       |
| Just Energy Michigan Corp.             | Michigan              | Gas                 | U-15980                       |
| <b>Affiliate</b>                       | <b>Province/State</b> | <b>License Type</b> | <b>License Order/Docket #</b> |

|                                     |                       |                     |                               |
|-------------------------------------|-----------------------|---------------------|-------------------------------|
| Just Energy Solutions Inc.          | Nevada                | Gas                 | G-13                          |
| Just Energy Solutions Inc.          | New Jersey            | Gas                 | GSL-0116                      |
| Just Energy Solutions Inc.          | New Jersey            | Electric            | ESL-0046                      |
| Hudson Energy Services, LLC         | New Jersey            | Gas                 | GSL- 0069                     |
| Hudson Energy Services, LLC         | New Jersey            | Electric            | ESL - 0083                    |
| Fulcrum Retail Energy New York, LLC | New York              | Electric            | Approved ESCO                 |
| Fulcrum Retail Energy New York, LLC | New York              | Gas                 | Approved ESCO                 |
| Just Energy New York Corp.          | New York              | Electricity         | Approved ESCO                 |
| Just Energy New York Corp.          | New York              | Gas                 | Approved ESCO                 |
| Just Energy Solutions Inc.          | New York              | Electricity         | Approved ESCO                 |
| Just Energy Solutions Inc.          | New York              | Gas                 | Approved ESCO                 |
| Hudson Energy Services, LLC         | New York              | Gas                 | Approved ESCO                 |
| Hudson Energy Services, LLC         | New York              | Electric            | Approved ESCO                 |
| Just Energy Solutions Inc.          | Ohio                  | Electric            | Certificate 01-74E (8)        |
| Just Energy Solutions Inc.          | Ohio                  | Gas                 | Certificate 02-023            |
| Hudson Energy Services, LLC         | Ohio                  | Gas                 | Certificate 12-271G (3)       |
| Hudson Energy Services, LLC         | Ohio                  | Electric            | Certificate 12-538 E (3)      |
| Universal Energy Corporation        | Ontario               | Electricity         | ER-2016-0332                  |
| Universal Energy Corporation        | Ontario               | Gas                 | GM-2016-0261                  |
| Just Energy Ontario L.P.            | Ontario               | Gas                 | GM-2015-0119                  |
| Just Energy Ontario L.P.            | Ontario               | Electricity         | ER-2015-0118                  |
| Hudson Energy Canada Corp.          | Ontario               | Electricity         | ER-2015-0125                  |
| Hudson Energy Canada Corp.          | Ontario               | Gas                 | GM-2015-0124                  |
| Just Energy New York Corp.          | Ontario               | Electric Wholesaler | EW-2014-0229                  |
| Just Energy Solutions Inc.          | Ontario               | Electric Wholesaler | EW-2016-0149                  |
| Just Energy Solutions Inc.          | Pennsylvania          | Electric (PECO)     | A-110117                      |
| Just Energy Solutions Inc.          | Pennsylvania          | Gas (PECO)          | A-125138                      |
| Just Energy Pennsylvania Corp.      | Pennsylvania          | Gas (Columbia)      | A-2009-2098011                |
| <b>Affiliate</b>                    | <b>Province/State</b> | <b>License Type</b> | <b>License Order/Docket #</b> |
| Just Energy Pennsylvania Corp.      | Pennsylvania          | Electric (Duquesne) | A-2009-2097544                |

|  |              |               |                                 |
|--|--------------|---------------|---------------------------------|
| Hudson Energy Services, LLC                        | Pennsylvania | Electric      | A-2010-2192137                  |
| Just Energy Quebec L.P /Juste Energie Quebec S.E.C | Quebec       | Gas           | No license requirement          |
| Hudson Energy Canada Corp./Energie Hudson Canada   | Quebec       | Gas           | No license requirement          |
| Hudson Energy Canada Corp.                         | Saskatchewan | Gas           | No license requirement          |
| Just Energy Prairies L.P.                          | Saskatchewan | Direct Seller | Direct Sellers license # 328505 |
| Fulcrum Retail Energy , LLC                        | Texas        | Electric      | REP Certification No. 10081     |
| Just Energy Texas L.P.                             | Texas        | Electric      | REP Certification No. 10052     |
| Hudson Energy Services, LLC                        | Texas        | Electric      | REP Certification No. 30061     |
| Tara Energy, LLC                                   | Texas        | Electric      | REP Certification No. 10052     |
| Just Energy Solutions Inc.                         | Virginia     | Gas           | G-30                            |
| Just Energy Solutions Inc.                         | Virginia     | Electric      | E-26                            |
| Just Energy U.S. Corp                              | US Federal   | Electricity   | FERC - ER10-379                 |
| Just Energy Solutions Inc.                         | US Federal   | Electricity   | FERC - ER97-4253                |
| Just Energy New York Corp.                         | US Federal   | Electricity   | FERC - ER13-1081-000            |
| Just Energy Illinois Corp.                         | US Federal   | Electricity   | FERC - ER13-1104-000            |

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
REGISTRATION CERTIFICATE  
TO OPERATE AS AN  
ELECTRIC SERVICE PROVIDER**



**ESP NO: \*\*1092\*\***

**COMMONWEALTH ENERGY CORPORATION**  
Commonwealth Energy Corporation  
15941 RED HILL AVENUE  
SUITE 200  
TUSTIN, CA 92780

The above named Electric Service Provider, having made written application to the Public Utilities Commission of the State of California to register its operation as an Electric Service Provider pursuant to Public Utilities Code Section 394 and Commission Decision 97-05-040 dated May 6, 1997, and having complied with such provisions, is granted this certificate of registration authorizing its operation in the State of California, subject to the following conditions:

- (1) If said electric service provider's business type changes, for example, from a proprietorship to a corporation, said electric service provider must reregister its operations with the Commission.
- (2) Pursuant to future legislation, the electric service provider may be required to publish its registration number on all service contracts, billing documents and advertising materials.
- (3) This registration certificate is subject to suspension or cancellation as provided by Section 394 of the Public Utilities Code.
- (4) Said electric service provider shall comply with all Commission orders, rules, directions and requirements governing electric service providers.
- (5) An annual renewal fee as authorized by the Commission for electric service providers which shall be paid to the Commission upon receipt of the annual fee invoice.

**Dated this day: 18-AUG-97**

**California Public Utilities Commission—Energy Division**

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
REGISTRATION CERTIFICATE  
TO OPERATE AS A  
CORE TRANSPORT AGENT**



**CTA NO.: CTA0010**

Commerce Energy, Inc.  
1 Centerpointe Drive, Suite 350  
La Palma, CA 90623

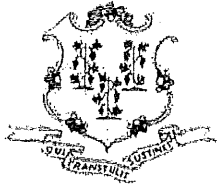
The above named Core Transport Agent, having made written application to the Public Utilities Commission of the State of California to register its operations as a Core Transport Agent mandated by Senate Bill (SB) 656 and pursuant to Commission Decision (D.) 14-08-043, dated August 28, 2014, is granted this certificate of registration authorizing its operations in the State of California, subject to the following conditions:

- (1) Is said Core Transport Agent fails to update their registration information set forth in paragraphs (1) to (10), inclusive, of subdivision (a) of Section 981 within 60 days of any material change in the information provided.
- (2) Pursuant to future legislation, the Core Transport Agent may be required to publish its registration number on all service contracts, billing documents and advertising materials.
- (3) This registration certificate is subject to suspension or cancellation as provided by Section 980 of the Public Utilities Code.
- (4) Said Core Transport Agent shall comply with all Commission orders, rules, directions and requirements governing Core Transport Agents.
- (5) An annual fee as authorized by the Commission for Core Transport Agents which shall be paid to the Commission within 30 days of billing.

**Dated this day: February 25, 2015**

**California Public Utilities Commission - Energy Division**





**STATE OF CONNECTICUT**  
**PUBLIC UTILITIES REGULATORY AUTHORITY**

August 26, 2015  
In reply, refer to: GA:RFB

Gretchen Fuhr  
Hudson Energy Services, LLC  
6345 Dixie Road, Suite 200  
Mississauga, Ontario L5R 2E6, Canada

Re: Natural Gas Supplier Registration 12-04

Dear Ms. Fuhr:

By letter dated June 29, 2015, the Public Utilities Regulatory Authority (Authority) received an application from Hudson Energy Services, LLC (Hudson or Company) for the renewal of its gas supplier registration for the period October 1, 2015 through September 30, 2016. The Application was accompanied by a \$500 application fee and Payment Bond and Surety Bond Rider No. 105585227, in the amount of \$15,000, issued by the Travelers Casualty and Surety Company of America.

The Authority finds that Hudson has complied with renewal requirements and grants the renewal of its gas supplier registration for the period October 1, 2015 through September 30, 2016.

Sincerely,

PUBLIC UTILITIES REGULATORY AUTHORITY

A handwritten signature in black ink, appearing to read "Jeffrey R. Gaudiosi".


Jeffrey R. Gaudiosi, Esq.  
Executive Secretary

cc: James McNally, Director of Customer Service, Connecticut Natural Gas Corp.  
and The Southern Connecticut Gas Company

Edna M. Karanian, Manager-Gas Supply, Yankee Gas Services Company

**10 Franklin Square, New Britain, CT 06051**

An Equal Opportunity Employer  
[www.ct.gov/pura](http://www.ct.gov/pura)

|   |   |   |   |
|---|---|---|---|
| LICENSE NO. 2013604948  | STATE OF DELAWARE   |   | VALID   |
| POST CONSPICUOUSLY  | DIVISION OF REVENUE   |   | 01/01/17 - 12/31/17<br>NOT TRANSFERABLE                                     |
| DLN:  | BUSINESS CODE 186<br>GROUP CODE:  | LICENSED ACTIVITY SALES REPRESENTATIVE  |   |
| DATE ISSUED: 11/09/16   | **VALIDATED**   |   | 2017  |
| LICENSE FEE: \$ 75.00   | <b>BUSINESS LICENSE</b>   |   |   |
|   | MAILING ADDRESS   |   | BUSINESS LOCATION   |
|   | JUST ENERGY SOLUTIONS INC<br>6345 DIXIE ROAD STE 200<br>MISSISSAUGA ON L5T 2E6<br>OTTAWA ON<br>CANADA |  | JUST ENERGY SOLUTIONS INC<br>3411 SILVERSIDE RD<br>WILMINGTON DE 19810-4812 |
| <small>IS HEREBY LICENSED TO PRACTICE, CONDUCT OR ENGAGE IN THE OCCUPATION OR BUSINESS ACTIVITY INDICATED ABOVE IN ACCORDANCE WITH THE LICENSE APPLICATION DULY FILED PURSUANT TO TITLE 30, DEL CODE.</small> |   |   | <b>DAVID GREGOR</b><br><small>DIRECTOR OF REVENUE</small>                   |

**IMPORTANT - TEAR AT ABOVE PERFORATION AND DISPLAY IN A PUBLIC LOCATION**

|   |                                 |  |
|---|---------------------------------|--|
| Federal E.I. No. or<br>Social Security Number | Business Code 186<br>Group Code | Licensed Activity SALES REPRESENTATIVE |
|---|---------------------------------|--|

**The State of Delaware Business License printed above must be posted in a public area at the location address listed.** If you have any questions regarding this license, please call (302) 577-8778.

### REPLACEMENT LICENSES

Keep this portion of your license separate, in case you need a replacement for any lost, stolen or destroyed license. A \$15 fee will be charged for the replacement of a license. Send the \$15 along with a copy of this form or provide your Federal Employer Identification Number, or Social Security Number, suffix, Business Code, Business Name and address to Delaware Division of Revenue, Attn.: Business Master File, PO Box 8750, Wilmington, DE 19899-8750. You will receive your replacement license within three to four weeks.

### OTHER IMPORTANT INFORMATION

Most licensees are also required to pay either gross receipts or excise taxes in addition to the license fee. You can file these taxes online or obtain a paper form from our website at [www.revenue.delaware.gov](http://www.revenue.delaware.gov). You must **submit all business tax returns** filed with the Division of Revenue **under the same identification number**. If you are a sole-proprietor, and have a federal employer identification number, use the employer identification number, not your social security number. Only sole proprietors with no employees are allowed to file under their social security number. Inquiries regarding your coupon booklets to pay withholding, corporate tentative, and Sub Chapter "S" estimated taxes, or to make changes to your name, address, or identification number, should be directed to the Business Master File Unit at (302) 577-8778.

### INTERNET SITE

The Division of Revenue web address is: [www.revenue.delaware.gov](http://www.revenue.delaware.gov). Visit our web site for tax tips, links to telephone numbers, forms that you can download, links to other State agencies, the Delaware Code, the publication "Delaware Guide for Small Business" and lots more. Internet filing of personal income tax returns via the Division of Revenue's website is available. Internet filing for Withholding, Gross Receipts and Corporate Tentative payments is also available.

**COMMISSIONERS:**

**STAN WISE, CHAIRMAN  
CHUCK EATON  
TIM G. ECHOLS  
H. DOUG EVERETT  
LAUREN "BUBBA" McDONALD, JR.**



**FILED**

MAR 22 2011

**EXECUTIVE SECRETARY  
G.P.S.C.**

**DEBORAH K. FLANNAGAN  
EXECUTIVE DIRECTOR**

**REECE McALISTER  
EXECUTIVE SECRETARY**

**Georgia Public Service Commission**

(404) 656-4501  
(800) 282-5813

244 WASHINGTON STREET, S.W.  
ATLANTA, GEORGIA 30334-5701

FAX: (404) 656-2341  
www.psc.state.ga.us

|                   |                  |
|-------------------|------------------|
| <b>DOCKET #</b>   | DOCKET NO. 20504 |
| <b>DOCUMENT #</b> | 134855           |

**IN RE: COMMERCE ENERGY, INC.'S APPLICATION FOR A  
NATURAL GAS MARKETER CERTIFICATE OF AUTHORITY**

**ORDER APPROVING REQUEST TO REENTER THE GEORGIA  
RETAIL NATURAL GAS MARKET**

This matter comes before the Georgia Public Service Commission ("Commission") as the result of Commerce Energy, Inc.'s ("Commerce" or "Company") notice of intention to reenter the Georgia retail natural gas market filed on March 17, 2010.

**Background**

At its July 6, 2005 Administrative Session, the Commission granted Commerce an Interim Certificate to provide firm natural gas marketing services in Georgia. On November 7, 2006, at its Administrative Session, the Commission approved the transfer of the majority of Commerce's customers to Southstar Energy Services, LLC, d/b/a Georgia Natural Gas ("GNG"). The effective date of the transfer was December 1, 2006 and the remainder of Commerce's Georgia customers transferred to various certified Natural Gas Marketers by the end of April, 2009.

On December 5, 2006, Commerce filed a petition for waiver of certain periodic reporting requirements. The Commission granted Commerce's request based on the Company's assurance that it would only do business in the state for the very limited purpose of providing service to a small number of commercial accounts ancillary to multi-state commercial contracts, and that Commerce did not intend to market to new customers beyond those necessary to provide service pursuant to existing or future multi-state commercial accounts. The Commission approved the waiver on January 18, 2007.

Since that time Commerce has undergone two acquisitions. The first took place in December 2008, when its parent, Commerce Energy Group, was purchased by Universal Energy Corporation. The second occurred in July, 2009, when Universal Energy Group was purchased

by Just Energy Income Fund ("Just Energy") formerly known as Energy Savings Income Fund. Each time a change of ownership took place the Company sought the Commissions' permission by filing a request to amend its Certificate of Authority to reflect the change in ownership.

### **Company's Petition to Reenter the Georgia Market**

In the petition filed on March 17, 2010, Commerce provided notice that it intended to reenter the Georgia retail natural gas market by December 31, 2010. The petition also requested that its certificate not be revoked while it reestablished its marketer information. Commerce further stated that it had transacted no business in Georgia as a certified marketer since the end of April 2009.

The Commission Staff ("Staff") recommended that the Commission grant Commerce a twelve (12) month extension of its Interim Certificate. Additionally, the Staff recommended that the following measures be implemented in order to monitor Commerce's progress toward providing service in Georgia:

- (1) Sixty (60) days after the granting of the extension, and every sixty days thereafter, Commerce shall file a status report on its progress to begin serving customers in Georgia;
- (2) that before Commerce can begin serving customers in Georgia, it must make a filing that includes all of the financial and technical information required in the Certificate of Authority Application, demonstrating to the Commission's satisfaction that Commerce remains financially and technically capable to reenter the Georgia market;
- (3) That the filing should also state that Commerce will comply with all applicable Georgia Statutes, Commission rules and orders; and that Commerce is, therefore, requesting that the Commission lift the filing requirement waivers granted to the Company in 2007.

At its April 6, 2010, Administrative Session, the Commission adopted Staff's recommendations.

On August 31, 2010 Commerce made a filing with the Commission outlining its Financial and Technical Qualifications. In that filing Commerce stated that the Company will comply with all applicable Georgia statutes, Commission rules and orders; and that Commerce is, therefore, requesting that the Commission lift the filing requirement waivers granted to the Company in 2007.

After a thorough review of the Company's petition and data request responses, the Staff recommended that the Commission approve Commerce's reentry into the Georgia retail natural gas market. Additionally, the Staff recommended the following:

- (1) That Commerce submits for Staff's approval its Terms and Conditions, and sample billing format, prior to the Company commencing the servicing of customers in Georgia;
- (2) That the Commission lift the filing requirement waivers granted to the Company in 2007;

- (3) That, the event, in Just Energy provides notice to Commerce that the parental guarantee is being terminated, Commerce shall give the Commission written notice of the termination within ten days of its receipt and Commerce shall provide the Commission, at that time, documentary proof that it has the financial capability to meet its obligations as a natural gas marketer in the State of Georgia; and
- (4) Should for any reason Just Energy's creditors provide it notice that its line of credit is being terminated or if Just Energy changes creditors, Just Energy shall give the Commission written notice of such termination or change within ten days of its receipt or execution and Just Energy shall provide the Commission, at that time, documentary proof that it has the financial capability, which would continue to allow Commerce the ability to meet its obligations as a natural gas marketer in the State of Georgia.

.....

**WHEREFORE, IT IS ORDERED**, that Commerce is hereby granted approval to provide firm retail natural gas services under its Interim Certificate of Authority, No. GM-030.

**ORDERED FURTHER**, that Commerce submit for Staff's approval its Terms and Conditions, and sample billing format prior to the Company commencing the servicing of customers in Georgia.

**ORDERED FURTHER**, that Commission lifts the filing requirement waivers granted to the Company in 2007.

**ORDERED FURTHER**, that in the event Just Energy provides notice to Commerce that the parental guarantee is being terminated, Commerce shall give the Commission written notice of the termination within ten days of its receipt and Commerce shall provide the Commission, at that time, documentary proof that it has the financial capability to meet its obligations as a natural gas marketer in the State of Georgia.

**ORDERED FURTHER**, that should, for any reason, Just Energy's creditors provide it notice that its line of credit is being terminated or if Just Energy changes creditors, Just Energy shall give the Commission written notice of such termination or change within ten days of its receipt or execution and Just Energy shall provide the Commission, at that time, documentary proof that it has the financial capability, which would continue to allow Commerce the ability to meet its obligations as a natural gas marketer in the State of Georgia.

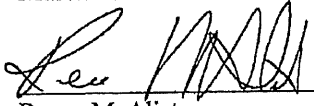
**ORDERED FURTHER**, that this Order incorporates by reference the ordering paragraphs of the original order dated July 6, 2005, Docket No. 20504, Interim Certificate No. GM-30 and nothing in this order changes the conditions of the previous order.

**ORDERED FURTHER**, that all findings, conclusions and determinations stated in the preceding sections of this order are adopted as findings of fact, conclusions of law and determinations of regulatory policy of this Commission.

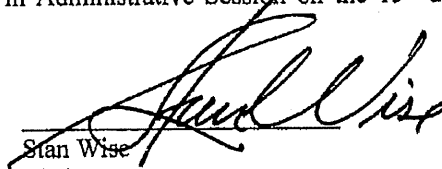
**ORDERED FURTHER**, that jurisdiction over this matter is expressly retained for the purpose of entering such further order or orders as the Commission may deem just and proper.

**ORDERED FURTHER**, that any motion for reconsideration, rehearing or oral argument or any other motion shall not stay the effectiveness of this order, unless otherwise ordered by the Commission.

The above by action of the Commission in Administrative Session on the 15<sup>th</sup> day of March 2011.

  
\_\_\_\_\_  
Reece McAlister  
Executive Secretary

3.21.11  
Date

  
\_\_\_\_\_  
Stan Wise  
Chairman

3.21.11  
Date

**CERTIFICATE OF SERVICE**

**DOCKET NO. 20504-U**

**IN RE: APPLICATION OF COMMERCE ENERGY, INC. FOR A NATURAL GAS  
CERTIFICATE OF AUTHORITY**

I, the undersigned, do herewith certify that I have caused to be served the required copies of the enclosed Order Approving Request to Reenter the Georgia Retail Natural Gas Market. All parties are being provided an electronic copy:

Reece McAlister  
Executive Secretary  
Georgia Public Service Commission  
244 Washington Street, SW  
Atlanta, GA 30334

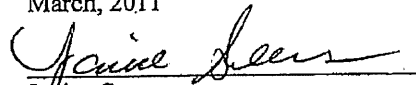
L. Craig Dowdy  
McKenna, Long & Aldridge, LLP  
One Peachtree Center  
303 Peachtree Street, Suite 5300  
Atlanta, GA 30308

Elizabeth Wade  
Regulatory Counsel  
AGL Resources Inc.  
Ten Peachtree Place  
Atlanta, GA 30309

David Weaver  
Director, Regulatory Affairs  
Atlanta Gas Light Company  
Ten Peachtree Place  
Atlanta, GA 30309

Ignia Goodman  
Senior Market Manager  
Commerce Energy, Inc.  
Inger Goodman  
6345 Dixie Road, Suite 200  
Mississauga, ON L5T 2E6, Canada

Respectfully submitted, this 22<sup>nd</sup> day of  
March, 2011

  
Janice Sears  
Administrative Assistant

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Energy Savings (Illinois) Corp. :  
: 03-0720  
Application for Certificate of :  
Service Authority under Section :  
19-110 of the Public Utilities Act. :

ORDER

By the Commission:

**I. INTRODUCTION**

On November 17, 2003, Energy Savings (Illinois) Corp. ("Applicant") filed a verified application with the Illinois Commerce Commission ("Commission") requesting a certificate of service authority in order to become an alternative gas supplier ("AGS") in Illinois pursuant to Section 19-110 of the Public Utilities Act ("Act"), 220 ILCS 5/1-101 et seq., and 83 Ill. Adm. Code 551 ("Part 551"). On November 19, 2003, Applicant published notice of the application in the official state newspaper pursuant to Section 19-110(c) of the Act and Section 551.30(a). The Administrative Law Judge ("ALJ") requested additional information relating to various provisions of Part 551. Applicant filed a verified response thereto.

**II. DESCRIPTION OF AND AUTHORITY SOUGHT BY APPLICANT**

Applicant is incorporated as a limited liability company under the Delaware Business Corporations Act. With regard to Illinois, Applicant holds a Certificate of Authority to Transact Business in Illinois from the Illinois Secretary of State. Applicant is a wholly owned subsidiary of U.S. Energy Savings Corp. which is indirectly owned by Energy Savings Income Fund, whose units are posted and listed for trading on the Toronto Stock Exchange.

Applicant requests authority to serve residential and small commercial gas customers within the service areas of Nicor Gas Company, North Shore Gas Company, and Peoples Gas Light & Coke Company. A copy of the notification sent to each of these companies has been provided, pursuant to Section 551.30(c). Applicant does not seek to serve customers within a geographic area that is smaller than a gas utility's service area.



### III. AGS REQUIREMENTS AND OBLIGATIONS

Applicant certifies that it will comply with all applicable regulations, regional and industry rules, practices, policies, procedures, and tariffs for the use, operation, maintenance, safety, integrity, and reliability of the interstate natural gas system. Applicant also certifies that it will provide service to residential customers that are eligible to take service from an AGS; that it will comply with informational and reporting requirements established by Commission rule; and that it will comply with all other applicable laws and regulations and Commission rules and orders. In addition, Applicant agrees to submit good faith schedules of natural gas deliveries in accordance with applicable tariffs. Applicant also agrees to adopt and follow rules and procedures ensuring that authorizations received from customers, customer billing records, and requests for service transmitted to utilities are retained for a period of not less than two calendar years. Applicant agrees to confidential treatment of customer data. Pursuant to Section 551.50, Applicant has provided a copy of its "License or Permit Bond" in the amount of \$150,000.

Applicant asserts that it meets the financial qualifications set forth in Section 551.80(f). Applicant has provided a copy of its revolving credit agreement as evidence of its compliance with Section 551.80(f). Applicant also submitted the ratings agency report that presents the long-term obligation rating of the financial institution extending the credit, the certified financial statements of its parent, and the accountant's report for its parent's certified financial statements as required by Section 551.80(f)(4).

Applicant represents that it meets the technical and managerial qualifications set forth in Sections 551.90 and 551.100, respectively. Ontario Energy Savings Corp. ("OESC"), an affiliate of Applicant, sells natural gas to residential, small to mid-size commercial and small industrial customers in the Provinces of Ontario and Manitoba, Canada, and sells electricity to mid-size commercial and small industrial customers in the Province of Ontario. Applicant has entered into a Services Agreement with OESC, pursuant to which OESC will provide services to Applicant that include, without limitation, sales and marketing, operations, customer service, finance and accounting, and legal and regulatory services. A copy of the Services Agreement is Schedule 20B to the application. The application describes the backgrounds of persons who fill technical and management positions with Applicant and OESC and includes an organizational chart indicating the relative positions of those persons.

### IV. COMMISSION CONCLUSION

The Commission has reviewed the application and attachments along with the supplementary information provided by Applicant and finds that the application is in order and satisfies the requirements of the Act and Part 551. The Commission concludes, therefore, that the application for certification as an AGS should be granted and that the certificate should read as follows:

CERTIFICATE OF SERVICE AUTHORITY

IT IS CERTIFIED that Energy Savings (Illinois) Corp. is granted service authority to operate as an Alternative Gas Supplier as follows:

SERVICE TO BE PROVIDED: The sale of natural gas.

CUSTOMERS TO BE SERVED: All eligible residential and small commercial customers.

GEOGRAPHIC REGIONS SERVED: The service areas of Nicor Gas Company, North Shore Gas Company, and Peoples Gas Light & Coke Company.

**V. FINDINGS AND ORDERING PARAGRAPHS**

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

- (1) Applicant, which is organized under the laws of the State of Delaware, and is authorized to do business in the State of Illinois, seeks authority as an AGS under Section 19-110 of the Act;
- (2) the Commission has jurisdiction of the party hereto and the subject matter hereof;
- (3) the facts recited and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (4) as required by Section 19-110(e)(1) of the Act, Applicant possesses sufficient technical, financial, and managerial resources and abilities to provide natural gas service to eligible residential and small commercial customers throughout the areas certificated herein;
- (5) Applicant has complied with Section 19-110(e)(2), (3), and (5); and
- (6) Applicant should be granted the Certificate of Service Authority set out in Section IV of this Order and should thereafter comply with all applicable Commission rules and orders and any applicable amendments thereto.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that Energy Savings (Illinois) Corp. is hereby granted the Certificate of Service Authority set out in Section IV of this Order.

IT IS FURTHER ORDERED that Energy Savings (Illinois) Corp. 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 10-110 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 17th day of December, 2003.

(SIGNED) EDWARD C. HURLEY

Chairman

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Commerce Energy, Inc. :  
 :  
Application for Certificate of : 06-0723  
Service Authority under Section 16- :  
115 of the Public Utilities Act. :

ORDER

By the Commission:

**I. PRELIMINARY MATTERS**

On November 13, 2006, Commerce Energy, Inc. ("Applicant" or "Commerce") filed a verified application with the Illinois Commerce Commission ("Commission") requesting a certificate of service authority in order to become an alternative retail electric supplier ("ARES") in Illinois pursuant to Section 16-115 of the Public Utilities Act ("Act") and 83 Ill. Adm. Code 451 ("Part 451"). On November 22, 2006, the Administrative Law Judge requested clarification of certain matters contained in the application. The Administrative Law Judge also requested that Applicant provide a copy of the certificate of publication in the official State newspaper. Applicant filed a response to the Administrative Law Judge and an Amended Application on December 8, 2006. Applicant also submitted its certificate of publication showing that on November 25, 2006, proper notice of the application was published in the official State newspaper.

A petition for leave to intervene was filed by Local Unions 15, 51, and 702 of the International Brotherhood of Electrical Workers. This petition was granted by the Administrative Law Judge over the objection of Applicant.

A proposed order was served. Briefs on exceptions were filed and duly considered.

**II. AUTHORITY SOUGHT BY APPLICANT**

Applicant requests authority to offer the sale of electricity and power to eligible residential and nonresidential retail customers in the service territories of Commonwealth Edison Company ("ComEd"), Central Illinois Light Company, d/b/a AmerenCILCO ("CILCO"), Central Illinois Public Service Company, d/b/a AmerenCIPS ("CIPS"), and Illinois Power Company, d/b/a AmerenIP ("IP"). At this time, Applicant has not sought authority to provide single billing services to customers and did not provide the financial information pertaining to Subpart F of Part 451.

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

Applicant is a corporation created under the jurisdiction of the State of California. 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.

Commerce says it currently holds a certificate to supply electricity to retail customers in Pennsylvania, California, Michigan, Ohio, New Jersey, New York, Maryland, Virginia, and Texas but does not currently supply electricity to retail customers in Ohio, New York or Virginia. Commerce indicates that it also holds a certificate to supply natural gas to retail customers in Pennsylvania, California, Michigan, Ohio, New York, Maryland, and Georgia and supplies natural gas to customers within all seven States. Applicant currently serves approximately 130,000 customers in 17 utility serve territories in 9 states. Commerce says its existing customer base encompasses a diverse array of residential and commercial energy end-users. Commerce says it does not own any generation assets and buys 100% of its electricity from wholesale providers to serve its retail customer load.

Applicant is a wholly owned subsidiary of Commerce Energy Group, Inc. and also does business as Commerce Energy of Ohio, Inc. Commerce indicates that its parent, Commerce Energy Group, Inc., is publicly owned and traded on the American Stock Exchange under the ticker Symbol "EGR". Applicant states that it is the only retail and natural gas provider affiliated with the Commerce Energy Group, Inc., and that it is not affiliated with a utility distribution company. Commerce indicates that it has no affiliated companies involved in electric retail sales, electric generation or production in the United States of America or in any other country. Commerce says that its affiliates include Skipping Stone, an energy consulting firm headquartered in Houston, Texas, and UtiliHost, a back office solution company headquartered in Costa Mesa, California.

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.

Pursuant to the requirements of Section 451.50 of Part 451, Applicant provided a License or Permit Bond in the amount of \$300,000 issued by a qualifying surety authorized to transact business in Illinois. Attachment D to the application is a copy of the required License or Permit Bond.

#### **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). In its application, for purposes of compliance with the provisions of Section 451.320(a)(6), Applicant provided information intended to demonstrate that it earned more than 12 points on the financial ratios set forth in Section 451.320(a)(6)(A). In its Amended Application, Commerce provided information related to the requirements in Section 451.320(a)(5). Specifically, Applicant provided evidence that it has in place a line of credit or revolving credit agreement in an amount of \$50 million which is more than 10% of Applicant's revenue for the most recently completed fiscal year as required by Part 451. Applicant provided copies of Commerce Energy Group, Inc.'s 2005 and 2006 Form 10-K filed with the Securities and Exchange Commission, which includes audited financial statements. Commerce also provided a copy of Commerce Energy's Group, Inc.'s 2005 Annual Report to shareholders, which includes audited financial statements for 2005. Applicant also provided the remaining information required by Section 451.320(a)(5)(D).

Applicant represents that it meets the technical and managerial qualifications set forth in Section 16-115(d)(1) and Sections 451.330 and 451.340. Applicant identified the personnel who purportedly satisfy the criteria and provided biographical information for these individuals. Applicant indicates that it has contracted with Automated Power Exchange to provide a scheduling facility with 24-hour manned operation for coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation. Applicant provided a telephone number, fax number, and address where its staff can be directly reached at all times. Having reviewed the information submitted by Applicant, including Attachments E-1, E-2, E-3, F, and G to the application, as well as the information provided with Applicant's December 8, 2006 Amended Application, 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 D of Part 451.

#### **V. APPLICANT'S POSITION REGARDING RECIPROCITY**

Commerce's position regarding the applicable reciprocity standards is laid out in Attachment C to its application. That document lays out in some detail Applicant's view of the reciprocity requirements as discussed in the Act, in Court decisions and in Commission decisions. Additionally, Attachment C to the Application discusses the

current status of electric markets in Illinois as well as the role of regional transmission organizations. Commerce states that neither it nor its corporate affiliates owns or controls facilities, for public use, for the transmission or distribution of electricity to end-users within a defined geographic area to which electric power and energy can be physically and economically delivered by the electric utilities in whose service areas the proposed service will be offered. Instead, Commerce relies on the principal source of electricity provisions of Section 16-115(d)(5) of the Act to satisfy the applicable reciprocity requirements.

Applicant argues that it complies with the reciprocity provision of Section 16-115(d)(5) of the Act by virtue of the fact that its principal source of electricity for the CILCO, CIPS, and IP service areas is MISO and for the ComEd service area is PJM. Applicant claims that MISO and PJM own or control electric transmission facilities for public use in a defined geographic area to which CILCO, CIPS, IP, and ComEd can physically and economically deliver power and energy. Applicant also asserts that MISO's and PJM's delivery services are identical to those offered by Illinois electric utilities. Applicant states that CILCO, CIPS, IP, and ComEd will have the opportunity to participate in MISO's and PJM's electricity markets.

Applicant states that it will supply at least 65% of its Illinois based electric load from MISO and PJM. Applicant plans to use MISO and PJM as its principal sources of electricity, whereby a single source will supply at least 65% of Applicant's electric power and energy as well as transmission and distribution services pursuant to a filed tariff under the jurisdiction of the Federal Energy Regulatory Commission or a state public utility commission. Applicant argues that because it will acquire at least 65% of its Illinois electric power and energy requirements from MISO and PJM, it will not be in a position to take unreasonable advantage of the investments made by Illinois utilities in the formerly regulated industry. Finally, Applicant indicates that it will remain in compliance with the requirements of Section 16-115 of the Act and will annually certify such compliance to the Commission in January of each year after its certification.

Although Commerce primarily seeks certification based on the fact that its principal source of electricity is PJM for ComEd and MISO for CILCO, CIPS, and IP, should the Commission deny Commerce's application on this basis, Commerce requests that the Commission grant it a certificate on the basis that Commerce agrees to purchase 65% of its electricity for Illinois from suppliers in Illinois, or from markets that are open to ComEd, CILCO, CIPS, IP, or their affiliates. Attachment C-9 to Commerce's application is a list of potential wholesale counterparties, each of whom Commerce asserts would meet the Act's requirements of providing reasonably comparable delivery services to Illinois utilities. Commerce says it currently purchases power from several of these counterparties and, if necessary, is willing to commit that it will continue to do so in order to comply with the reciprocity requirement.

Commerce says it is familiar with the Commission's Order on Rehearing in the Application of Nordic Marketing of Illinois for a Certificate of Service Authority in which the Commission granted Nordic a certificate of service authority to operate as an ARES.

(Docket 04-0334 (October 6, 2004 Order on Rehearing) The Commission's decision directed Nordic that in complying with Section 16-115(d)(5), a single source was required to be used to supply at least 65% of Nordic's purchased power and energy and shall constitute its principal source of electricity. The Commission, Commerce says, went on to state that Nordic is not allowed to use multiple sources to reach this 65% level. Although the Act states that an ARES' principal source of electricity should be a "single source," Commerce argues that nothing in the Act should be read to restrict an ARES to purchase 65% of its electricity from a single wholesale counterparty. To the contrary, Commerce says, the Act embraces the concept that a power marketer may be certificated, even if its principal source of electricity is not known at the time the application is filed.

Commerce contends that requiring it to purchase 65% of its power from a single wholesale counterparty would impose a restriction on Commerce beyond those contained in the statute. More importantly, it would undermine the competitive goals of the Act and limit ARES' ability to bring better pricing to customers in Illinois, in Applicant's view. Additionally, Commerce claims such an interpretation would not necessarily provide existing utilities with an opportunity to obtain a return on capital investments but would disproportionately benefit one utility. Nevertheless, although Commerce primarily seeks certification based on the fact that its principal source of electricity is PJM for ComEd and MISO for CILCO, CIPS, and IP, should the Commission deny Commerce's application on this basis, Commerce requests that the Commission grant it a certificate on the basis that Commerce agrees to purchase 65% of its electricity for Illinois from suppliers in Illinois, or from markets that are open to ComEd, CILCO, CIPS, and IP or their affiliates.

## **VI. COMMISSION CONCLUSION AND CERTIFICATE OF SERVICE AUTHORITY**

The Appellate Court decision in *Local Union Nos. 15, 51 and 702, International Brotherhood of Electrical Workers v. Illinois Commerce Commission*, 265 Ill. Dec. 302, 772 N.E.2d 340 (5th Dist. 2002) ("*IBEW*") interpreted the reciprocity requirements set forth in Section 16-115(d)(5) of the Act. The Appellate Court decision in *IBEW* held that before the Commission grants a certificate of service authority, it must find that the applicant complies with three conditions: (1) the applicant, its corporate affiliates, or the applicant's principal source of electricity (to the extent such source is known at the time of the application) owns or controls facilities, for public use, for the transmission or distribution of electricity to end users within a defined geographic area to which electric power and energy can be physically and economically delivered by the electric utility or utilities in whose service area or areas the proposed service will be offered, (2) the applicant, its corporate affiliates, or principal source of electricity, as the case may be, provides delivery services to the electric utility or utilities in whose service area or areas the proposed service will be offered that are reasonably comparable to those offered by the electric utility, and (3) the applicant agrees to annually certify that it, its corporate affiliates, or applicant's principal source of electricity is continuing to provide such delivery services and that it has not knowingly assisted any person or entity avoid the requirements of Section 16-115 of the Act.



Commerce plans to meet the reciprocity standard by using MISO and PJM as its principal sources of electricity as defined in Section 16-115(d)(5) of the Act. Commerce claims that it would be precluded from taking unreasonable advantage of investments made by the formerly regulated utilities by acquiring at least 65% of its electricity through the MISO and PJM regional transmission organizations.

The Commission observes that neither Applicant nor a corporate affiliate of Applicant owns or controls facilities for the transmission or distribution of electricity. Applicant relies on the principal source of electricity provisions of Section 16-115(d)(5) of the Act. Applicant indicates that at least 65% of the electricity it supplies in the CILCO, CIPS, and IP service areas will come from MISO and in the ComEd service area will come from PJM.

In the *IBEW* decision, the Appellate Court clearly stated its primary concern:

We agree with petitioners' arguments that the construction offered by WPS and the Commission would give a new entrant an opportunity to take an unreasonable advantage over the existing utilities, for it would allow a new entrant into the Illinois utility market without providing the Illinois utilities affected by the new entrant an opportunity to also compete in the market of the new entrant, hence allowing the new entrant to take an unreasonable advantage of the investments made by the formerly regulated industry. 265 Ill. Dec. 310, 772 N.E.2d 348 (Ill.App. 5 Dist. 2002)

More recently, the Appellate Court reviewed the reciprocity provisions under Section 16-115 of the Act with regard to the principal source of electricity provision. (See Docket Nos. 2-05-0685 & 05-05-0465 cons., *Strategic Energy, LLC v. Illinois Commerce Commission*, Appellate Court of Illinois, Second District, November 29, 2006, slip opinion, "*Strategic*") In the *Strategic* decision, the Appellate Court evaluated whether PJM and MISO could be used as principal sources of electricity to meet the reciprocity requirements of Section 16-115(d)(5) of the Act. In that decision, the Court found that "because the transmission facilities that PJM and MISO provide to ComEd and IP are not comparable to the delivery services that ComEd and IP offer, ComEd and IP's use of PJM and MISO's transmission facilities does not fulfill the reciprocity provision in Section 16-115(d)(5)." (*Strategic*, Slip opinion at 21) The Appellate Court went on to state:

We conclude that the Commission's interpretation of section 16-115(d)(5) is not consistent with the legislative intent as expressed in the wording in the statute. Its finding that Strategic's 'use of PJM and MISO as principal sources of electricity satisfies the reciprocity requirements' ignores the plain language of the statute. The legislature saw fit to incorporate the statutory definition of 'delivery services' into the reciprocity provision and has not evinced an intent that the statutory definition in the reciprocity provision differ from the definition in section 16-102. (*Strategic*, Slip opinion at 22)

Like Strategic, Applicant here intends to rely on PJM and MISO as its principal source of electricity. The Appellate Court, however, has issued an opinion that PJM and MISO cannot be relied on for this purpose. As we expressed in our Petition for Rehearing with the Appellate Court, the Commission continues to believe that RTOs do in fact constitute principal sources of electricity to meet the reciprocity requirements of Section 16-115(d)(5). Moreover, we note that the Court's restrictive interpretation of Section 16-115(d)(5) will only serve to hamper the development of a competitive electric market for residential and small business customers.

With the transition period rate freeze having ended, restricting the entrance of competitors to Illinois markets, under the guise of protecting non-existent investment, reduces the possibility that the Illinois energy markets will evolve to the point of offering Illinois consumers competitive alternatives to the incumbent utility in each respective service territory in Illinois.

However, in light of the Appellate Court's November 29, 2006 opinion, we refrain from accepting the PJM/MISO approach for purposes of meeting the reciprocity requirements until the legal landscape is settled. Furthermore, we also have the Applicant in mind in basing our decision, at this time, on alternative legal grounds. As a result, the Commission will evaluate Applicant's alternative method of meeting the reciprocity requirements in the Act.

Applicant, in Confidential Exhibit C-9, indicated that its principal source of electricity as defined in Section 16-115(d)(5) would be from sources in open competition states that are affiliates of entities offering delivery services that are comparable to those offered by Illinois utilities. Applicant also suggests that it is physically and economically possible for ComEd, CILCO, CIPS, and IP to deliver power and energy to the affiliates of each of the three possible principal sources of electricity. Applicant has identified three entities that are affiliated with several electric utilities in four states that the Commission is aware have competitive electric markets; Illinois, Maryland, Pennsylvania, and Texas. In the case of the Illinois, Pennsylvania and Maryland, the wholesale counter party is affiliated with one or more electric utility each of which is a member of either PJM or MISO.

Section 16-102 of the Act defines delivery services as "those services provided by the electric utility that are necessary in order for the transmission and distribution systems to function so that retail customers located in the electric utility's service area can receive electric power and energy from suppliers other than the electric utility, and shall include, without limitation, standard metering and billing services." Applicant represents and the Commission understands that each of the entities identified on Exhibit C-9 has an electric utility affiliate that provides essentially the same services that are provided by Illinois electric utilities. Specifically, retail services provided by the utilities' affiliates include distribution services, metering services, and billing services. The Commission understands that the utility affiliates of the first two entities, the Illinois/Pennsylvania and Maryland entities, acquire transmission services through either PJM or MISO such that retail customers in Illinois, Pennsylvania, and Maryland have the ability to purchase power

and energy from competitive suppliers. With respect to the utility affiliate of the third entity, the Texas entity, Applicant has not sufficiently explained how that utility affiliate acquires transmission services or demonstrated that the utility affiliate owns or controls for public use, for the transmission or distribution of electricity to end users within a defined geographic area to which electric power and energy can be physically and economically delivered by the electric utility or utilities in whose service area or areas the proposed service will be offered. Specifically, Applicant has not satisfactorily demonstrated that it is physically and economically feasible for Illinois electric utilities to deliver electric power and energy to customers in Texas.

As mentioned earlier in this Order, the Commission takes seriously our statutory obligation, as set forth in Section 16-101A(d), to foster the development of retail competition in Illinois. In ensuring compliance with this section, we would be remiss to disregard the current facts of the marketplace. Applicant, in its Brief on Exceptions, raises several points on that issue that we believe have merit. Specifically, Applicant states that the Texas utility owns or controls facilities for public use for the distribution of electricity to end users within a defined geographic area to which electric power and energy can physically and economically be delivered by Illinois utilities. Applicant argues that because the Texas supplier listed in Exhibit C-9 and its utility affiliate operate within the competitive retail electric market in Texas, such an "open" market provides the same reciprocal opportunities for participation by Illinois utilities found in the Pennsylvania and Maryland markets. Moreover, Applicant is certainly correct in asserting that the landscape of the electric markets has changed since the passage of the 1997 Customer Choice and Rate Relief law and that the meaning of "physically and economically" delivering power and energy needs to be reexamined in light of the fact that the generation, transmission, and distribution functions have been assumed by separate entities. Therefore, we believe this issue needs to be explored and addressed further in upcoming application proceedings and we will take a more comprehensive look at that time.

The Commission concludes that the Illinois, Pennsylvania, and Maryland utility affiliates of the entities identified on Exhibit C-9 own or control for public use for the distribution of electricity to end users within a defined geographic area to which electric power and energy can physically and economically be delivered by ComEd, CILCO, CIPS, and IP via the PJM and MISO controlled transmission systems. The Commission also finds that the utilities affiliates of the first two entities identified on Exhibit C-9 provide delivery services that are reasonably comparable to those offered by Illinois electric utilities, as that requirement is stated in the Act and as it has been interpreted by the Appellate Court.

Section 16-115 of the Act, in the Commission's view, clearly contemplates the possibility that the reciprocity requirements can be met through the use of corporate affiliates. In this case, Applicant proposes to meet the reciprocity requirements by showing that a corporate affiliate of its principal source of electricity "owns or controls facilities, for public use, for the transmission or distribution of electricity to end-users within a defined geographic area to which electric power and energy can be physically and economically

delivered by the electric utility or utilities in whose service area or areas the proposed service will be offered" and that the same corporate affiliate "provides delivery services to the electric utility or utilities in whose service area or areas the proposed service will be offered that are reasonably comparable to those offered by the electric utility." The Commission believes that the utility affiliates of the first two entities identified on Exhibit C-9 meet condition 1 and condition 2 as articulated by the Appellate Court in *IBEW* and *Strategic*. The Commission, as a result, concludes that the first two entities identified as potential principal sources of electricity on Exhibit C-9, and which is a corporate affiliate of one or more of the utilities, meet the standards to be a principal source of electricity stated in the Act as explained in *IBEW* and *Strategic*. Finally, the Commission concludes that within the meaning of the Appellate Court's decision in *IBEW*, granting Applicant a certificate will not constitute "allowing the new entrant to take an unreasonable advantage of the investments made by the formerly regulated industry."

As to the third condition contained in Section 16-115(d)(5), Applicant has agreed to annually certify during January of each year that it and its principal source of electricity remains in compliance with Section 16-115 of the Act and with the Commission's rules. As a condition of granting this certification, Applicant is directed that in complying with Section 16-115(d)(5), "a single source" shall be used to supply at least 65% of its purchased power and energy for each electric utility service area authorized herein and shall constitute its "principal source of electricity" for each electric service area. (220 ILCS 5/16-115(d)(5)) Consistent with the statutory requirements, Applicant is not allowed to use multiple sources to reach this 65% level in any individual electric service area authorized herein. As a further condition of granting this certification, Applicant is not authorized to utilize the third (Texas) entity on Exhibit C-9 as a principal source of electricity. Applicant has not demonstrated that it is physically and economically feasible for Illinois electric utilities to delivery electric power and energy to retail customers in Texas. The Commission concludes, therefore, that the application for certification as an ARES should be granted and that the certificate should read as follows:

#### CERTIFICATE OF SERVICE AUTHORITY

IT IS CERTIFIED that Commerce Energy, Inc. 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 residential and nonresidential retail customers.

**GEOGRAPHIC REGION(S) SERVED:** The service areas of Central Illinois Light Company d/b/a AmerenCILCO, Central Illinois Public Service Company d/b/a AmerenCIPS, Illinois

Power Company d/b/a AmerenIP, and Commonwealth Edison Company.

**VII. FINDINGS AND ORDERING PARAGRAPHS**

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

- (1) Applicant, Commerce Energy, Inc., a business organized under the laws of California and authorized to do business under the laws of the State of Illinois, seeks authority to become an ARES 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 220 ILCS 16-115(d)(1);
- (4) Applicant has demonstrated that it possesses sufficient technical, financial, and managerial resources and abilities to provide power and energy to eligible residential and nonresidential retail customers throughout the areas certified herein;
- (5) Applicant has complied with 220 ILCS 16-115(d)(1) through (5) and (8) and 83 Ill. Adm. Code 451; and
- (6) subject to the conditions imposed in the prefatory portion of this Order, the application filed by Commerce Energy, Inc. on November 13, 2006 and subsequently amended should be granted, subject to the conditions contained herein.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that Commerce Energy, Inc. is hereby granted the Certificate of Service Authority set out in Section VI of this Order, subject to the conditions contained in this Order.

IT IS FURTHER ORDERED that Commerce Energy, Inc. shall comply with all applicable Illinois Commerce 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 17th day of January, 2007.

(SIGNED) CHARLES E. BOX

Chairman

**STATE OF ILLINOIS**  
**ILLINOIS COMMERCE COMMISSION**

|  |   |                |
|--|---|----------------|
| <b>Commerce Energy, Inc.</b>                       | : |                |
|  | : |                |
| <b>Application for a Certificate of</b>            | : | <b>07-0501</b> |
| <b>Service Authority to Operate as an</b>          | : |                |
| <b>Alternative Gas Supplier under</b>              | : |                |
| <b>Section 19-110 of the Public Utilities Act.</b> | : |                |

**ORDER**

By the Commission:

**I. INTRODUCTION**

On October 1, 2007, Commerce Energy, Inc. ("Applicant") filed a verified Application with the Illinois Commerce Commission ("Commission") requesting a certificate of service authority to become an alternative gas supplier ("AGS") in Illinois pursuant to Section 19-110 of the Public Utilities Act ("Act"), 220 ILCS 5/1-101 et seq., and 83 Ill. Adm. Code 551 ("Part 551"). On October 4, 2007, Applicant published notice of the Application in the official state newspaper pursuant to Section 19-110(c) of the Act and Section 551.30(a). On October 10, 2007, the Administrative Law Judge ("ALJ") requested additional information relating to various provisions of Part 551. On October 16, Applicant provided additional information pursuant to the ALJ request. There being no issues in controversy, the hearing was waived.

**II. DESCRIPTION OF AND AUTHORITY SOUGHT BY APPLICANT**

Applicant is a California company duly registered with the Illinois Secretary of State and authorized to do business in the State of Illinois. A copy of its Authorization to Transact Business issued by the Illinois Secretary of State is Attachment A to its application. Applicant requests authority to serve residential and small commercial customers within the service areas of Nicor Gas Company, Peoples Gas Light & Coke Company and North Shore Gas Company. A copy of the notification sent to each of these companies has been provided, pursuant to Section 551.30(c). Applicant does not seek to serve residential customers within a geographic area that is smaller than a gas utility's service area.

**III. AGS REQUIREMENTS AND OBLIGATIONS**

Applicant certifies that it will comply with all applicable regulations, regional and industry rules, practices, policies, procedures, and tariffs for the use, operation,

maintenance, safety, integrity, and reliability of the interstate natural gas system. Applicant also certifies that it will provide service to residential and small commercial customers that are eligible to take service from an AGS; that it will comply with informational and reporting requirements established by Commission rule; and that it will comply with all other applicable laws and regulations and Commission rules and orders. In addition, Applicant agrees to submit good faith schedules of natural gas deliveries in accordance with applicable tariffs. Applicant also agrees to adopt and follow rules and procedures ensuring that authorizations received from customers, customer billing records, and requests for service transmitted to utilities are retained for a period of not less than two calendar years. Applicant agrees to confidential treatment of customer data. Pursuant to Section 551.50, Applicant has provided a copy of its "License or Permit Bond" in the amount of \$150,000.

Applicant asserts that it meets the financial qualifications set forth in Section 551.80. Applicant represents that it meets the technical and managerial qualifications set forth in Sections 551.90 and 551.100, respectively. The Application describes the backgrounds of persons who fill technical and management positions with Applicant and includes an organizational chart indicating the relative positions of those persons.

#### **IV. STAFF'S CONCERNS**

Staff, in its filing, voiced its concern that Commerce Energy's credit agreement meets the requirements in Section 551.80(f). These concerns were addressed to Staff's satisfaction by the Applicant's filing of Confidential Exhibit A on October 16, 2007.

Staff recommends that this Application for AGS certification be granted. Staff further recommends that the Commission require that Commerce Energy supply an updated version of Confidential Exhibit A with its continuing compliance filing due annually every January 31st, as long as, Commerce Energy uses the credit agreement referenced in Confidential Exhibit A to meet its AGS financial requirements.

#### **V. COMMISSION CONCLUSION**

The Commission has reviewed the Application, attachments, and the supplementary information provided by Applicant, and finds that the Application is in order and satisfies the requirements of the Act and Part 551.

The Commission concludes, therefore, that the Application for certification as an AGS should be granted and that the certificate should read as follows:

#### **CERTIFICATE OF SERVICE AUTHORITY**

IT IS CERTIFIED that Commerce Energy, Inc. is granted service authority to operate as an Alternative Gas Supplier as follows:



**SERVICE TO BE PROVIDED:** The sale of natural gas.

**CUSTOMERS TO BE SERVED:** All eligible residential and small commercial customers.

**GEOGRAPHIC REGIONS SERVED:** The service areas of Nicor Gas Company, North Shore Gas Company, and Peoples Gas Light & Coke Company.

**VI. FINDINGS AND ORDERING PARAGRAPHS**

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

- (1) Applicant, which is organized under the laws of the State of California, and is authorized to do business in the State of Illinois, seeks authority as an AGS under Section 19-110 of the Act;
- (2) the Commission has jurisdiction over the party hereto and the subject matter hereof;
- (3) the facts recited and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (4) as required by Section 19-110(e)(1) of the Act, Applicant possesses sufficient technical, financial, and managerial resources and abilities to provide natural gas service to eligible residential and small commercial customers throughout the areas certificated herein;
- (5) Applicant has complied with Section 19-110(e) (2), (3), and (5); and
- (6) Applicant should be granted the Certificate of Service Authority set out in Section V of this Order and should thereafter comply with all applicable Commission rules and orders and any applicable amendments thereto.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that Commerce Energy, Inc. is hereby granted the Certificate of Service Authority set out in Section V of this Order.

IT IS FURTHER ORDERED that Commerce Energy, Inc. shall comply with all applicable Commission rules and orders now in effect and as hereafter amended.

IT IS FURTHER ORDERED that Commerce Energy supply an updated version of Confidential Exhibit A with its continuing compliance filing due annually every January 31st, as long as Commerce Energy uses the credit agreement referenced in

07-0501

Confidential Exhibit A, filed with the Commission on October 16, 2007, to meet its AGS financial requirements.

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 29th day of October, 2007.

(SIGNED) CHARLES E. BOX

CHAIRMAN

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Hudson Energy Services, LLC :  
: :  
Application for Certificate of : 07-0455  
Service Authority under Section :  
16-115 of the Public Utilities Act. :

ORDER

By the Commission:

**I. PRELIMINARY MATTERS**

On August 29, 2007, Hudson Energy Services, LLC ("Applicant" or "Hudson") filed a verified application with the Illinois Commerce Commission ("Commission") requesting a certificate of service authority in order to become 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 August 31, 2007, proper notice of the application was published in the official State newspaper. On September 5, 2007, the Administrative Law Judge requested clarification of certain matters contained in the application. Applicant filed an amended application on September 10, 2007 and verified response to the Administrative Law Judge's ruling.

**II. BACKGROUND AND AUTHORITY SOUGHT BY APPLICANT**

In this proceeding, Applicant seeks authority to sell electricity and power to residential and nonresidential customers in the service areas of Commonwealth Edison Company ("ComEd"), Central Illinois Public Service Company d/b/a AmerenCIPS, Central Illinois Light Company d/b/a AmerenCILCO, Illinois Power Company d/b/a AmerenIP, MidAmerican Energy Company ("MEC"), and Mt. Carmel Public Utility Company ("Mt. Carmel").

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

Applicant is a limited liability corporation organized under the laws of New Jersey. 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 is a retail provider of electricity and natural gas that has been serving commercial and residential customers since 2002. Applicant indicates that it certified to provide service in New York, New Jersey, and Texas. Applicant states that in 2006 it served over 75,000 residential and commercial customers.

Applicant indicates that it has met all of the licensing requirements, testing and Electronic Data Interface standard requirements (where used) for the following local distribution companies: Con Edison, Keyspan, Orange & Rockland, Nation Grid, NYSEG, RG&E, Central Hudson, NFG, PSEG of New Jersey, NJ Natural Gas, South Jersey Gas, Elizabethtown Gas, Oncor, Centerpoint, AEP, Sharyland & Texas-New Mexico Power. Applicant plans to serve residential, commercial and industrial customers in Illinois.

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 indicates that it plans to serve the entire geographic area of each utility for which it seeks authority to serve.

Applicant certifies that any marketing materials that make statements concerning prices, terms and conditions of service shall contain information that adequately discloses the prices, terms and conditions of the products or services that it is offering or selling to the customer. Applicant also certifies that before any customer is switched from another supplier, it shall 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. Applicant further certifies that it will provide documentation to the Commission and to customers that substantiates any claims made regarding the technologies and fuel types used to generate the electricity offered or sold to customers. Applicant commits to provide to its customers itemized billing statements that describe the products and services provided to the customer and their prices; 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 customer.

Applicant certifies that it will include materials comprising the consumer education program pursuant to Section 16-117 of the Act with all initial mailings to

potential residential and small commercial retail customers and before executing any agreements or contracts with such customers. Applicant certifies that it will provide consumer education program materials pursuant to Section 16-117 of the Act at no charge to residential and small commercial retail customers upon request. Applicant certifies that 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 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.

Pursuant to the requirements of Section 451.50 of Part 451, Applicant provided a License or Permit Bond in the amount of \$300,000 issued by a qualifying surety authorized to transact business in Illinois. Amended Attachment D to the amended application is a copy of the required License or Permit Bond.

#### **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). In its application, for purposes of compliance with the provisions of Section 451.320(a)(4), Applicant certified that it will reimburse its Illinois retail customers for the additional costs those customers incur to acquire electric energy as a result of Applicant's failure to comply with a contractual obligation to supply such energy. Applicant provided a copy of a letter of credit in an amount calculated in accordance with Section 451.320(a) (4). Attachments E1, E2, and E3 to the application provided documents supporting Applicant's assertion it complied with the financial requirements in Part 451.

Applicant represents that it meets the technical and managerial qualifications set forth in Section 16-115(d) (1) and Sections 451.330 and 451.340. Applicant identified the personnel who purportedly satisfy the criteria and provided biographical information for these individuals. Applicant indicates that it has a letter of intent to contract Tenaska Power Services to expand its current contract with Applicant to provide 24-hour manned operation for its Illinois operation as well as NERC E-tagging and OASIS reservation processes, once Applicant's ARES application is granted. Applicant states that Tenaska is currently under contract to provide its Texas operation with 24-hour manned operation, support with ERCOT and its Texas suppliers.

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 D of Part 451.

## V. APPLICANT'S POSITION REGARDING RECIPROCITY

Applicant's position regarding the applicable reciprocity standards is set forth in its application. Applicant does not own or control facilities for public use that are for the transmission or distribution of electric power to end-use customers.

Applicant indicates that it relies upon the principal source of electricity to comply with the first prong of the reciprocity test. Applicant provided a list of eight entities who it says either directly or through affiliates own or control electric transmission facilities, for public use, for the transmission or distribution of electricity to end-users within a defined geographic area to which electric power and energy can be physically and economically delivered by ComEd and Ameren. The second prong of the test, Applicant says, requires that the principal source of electricity provide delivery services to the electric utility or utilities in whose service area or areas the proposed service will be offered that are reasonably comparable to those offered by the electric utility. Applicant asserts that through affiliated relationships with regulated and in some cases deregulated affiliates, each of the eight entities it may use as its principal source of electricity operates in a state that is open to competition and the electric delivery services offered by the affiliates of each potential source of power and energy are reasonably comparable to the delivery services offered by ComEd and Ameren.

Applicant also indicates that it will purchase 65% of its supply for each utility service territory from a single source identified in Attachment C to its application. In Attachment C to its application, Applicant notes that Public Act 095-0130, which becomes effective January 1, 2008, deletes Section 16-115(d)(5) from the Act. Applicant states that it "reserves the right to implement the RTO methodology of obtaining electricity from PJM and MISO effective Jan 1, 2008."

Finally, Applicant indicates that it will remain in compliance with the requirements of Section 16-115 of the Act and will annually certify such compliance to the Commission in January of each year after its certification.

## VI. COMMISSION CONCLUSION AND CERTIFICATE OF SERVICE AUTHORITY

The Fifth District Appellate Court decision in *Local Union Nos. 15, 51 and 702, International Brotherhood of Electrical Workers v. Illinois Commerce Commission*, 265 Ill. Dec. 302, 772 N.E.2d 340 (2002) ("*IBEW*") interpreted the reciprocity requirements set forth in Section 16-115(d)(5) of the Act. The Appellate Court decision in *IBEW* held that before the Commission grants a certificate of service authority, it must find that the applicant complies with three conditions: (1) the applicant, its corporate affiliates, or the applicant's principal source of electricity (to the extent such source is known at the time of the application) owns or controls facilities, for public use, for the transmission or distribution of electricity to end users within a defined geographic area to which electric power and energy can be physically and economically delivered by the electric utility or utilities in whose service area or areas the proposed service will be offered, (2) the applicant, its corporate affiliates, or principal source of electricity, as the case may be,

provides delivery services to the electric utility or utilities in whose service area or areas the proposed service will be offered that are reasonably comparable to those offered by the electric utility, and (3) the applicant agrees to annually certify that it, its corporate affiliates, or applicant's principal source of electricity is continuing to provide such delivery services and that it has not knowingly assisted any person or entity avoid the requirements of Section 16-115 of the Act.

In the *IBEW* decision, the Appellate Court clearly stated its primary concern:

We agree with petitioners' arguments that the construction offered by WPS and the Commission would give a new entrant an opportunity to take an unreasonable advantage over the existing utilities, for it would allow a new entrant into the Illinois utility market without providing the Illinois utilities affected by the new entrant an opportunity to also compete in the market of the new entrant, hence allowing the new entrant to take an unreasonable advantage of the investments made by the formerly regulated industry. 265 Ill. Dec. 310, 772 N.E.2d 348 (2002)

More recently, the Second District Appellate Court reviewed the reciprocity provisions under Section 16-115 of the Act with regard to the principal source of electricity provision. (860 N.E.2d 361, 2006) ("*Strategic*") In the *Strategic* decision, the Appellate Court evaluated whether PJM and MISO could be used as principal sources of electricity to meet the reciprocity requirements of Section 16-115(d)(5) of the Act. In that decision, the Appellate Court found that "because the transmission facilities that PJM and MISO provide to ComEd and IP are not comparable to the delivery services that ComEd and IP offer, ComEd and IP's use of PJM and MISO's transmission facilities does not fulfill the reciprocity provisions in section 16-115(d)(5)." (860 N.E.2d 374, 2006) The *Strategic* decision went on to state:

We conclude the Commission's interpretation of section 16-115(d) (5) is not consistent with the legislative intent as expressed in the wording in the statute. Its finding that Strategic's 'use of PJM and MISO as principal sources of electricity satisfies the reciprocity requirements' ignores the plain language of the statute. The legislature saw fit to incorporate the statutory definition of 'delivery services' into the provision and has not evinced an intent that the statutory definition in the reciprocity provision differ from the definition in section 16-102. 860 N.E.2d 375 (2006)

Section 16-102 of the Act defines delivery services as "those services provided by the electric utility that are necessary in order for the transmission and distribution systems to function so that retail customers located in the electric utility's service area can receive electric power and energy from suppliers other than the electric utility, and shall include, without limitation, standard metering and billing services."

Applicant plans to meet the reciprocity requirements in Section 16-115 of the Act using the entities identified in Attachment C to its application. Applicant has identified

eight entities, which are referred to hereafter as wholesale counter-parties, which are affiliated with numerous electric utilities in Illinois, Michigan, Pennsylvania, and Maryland. Applicant represents and the Commission is aware that Illinois, Michigan, Pennsylvania, and Maryland have competitive electric markets. The retail services provided by utilities in those four states include distribution services, metering services, billing services and the acquisition of transmission services through either PJM or MISO such that retail customers in the states have the ability to purchase power and energy from competitive suppliers. The Commission concludes that the utilities affiliated with the eight wholesale counter-parties identified in Attachment C to the application operating in Illinois, Michigan, Pennsylvania, and Maryland own or control facilities for public use for the distribution of electricity to end users within a defined geographic area to which electric power and energy can physically and economically be delivered by ComEd, AmerenCILCO, AmerenCIPS, AmerenIP, MEC, and Mt. Carmel via the PJM and MISO controlled transmission systems. The Commission also finds that those utilities described above provide delivery services that are reasonably comparable to those offered by Illinois electric utilities, as that requirement is stated in the Act and as it has been interpreted in Appellate Court decisions.

Section 16-115 of the Act, in the Commission's view, clearly contemplates the possibility that the reciprocity requirements can be met through the use of corporate affiliates. In this case, Applicant proposes to meet the reciprocity requirements by showing that a corporate affiliate of its principal source of electricity "owns or controls facilities, for public use, for the transmission or distribution of electricity to end-users within a defined geographic area to which electric power and energy can be physically and economically delivered by the electric utility or utilities in whose service area or areas the proposed service will be offered" and that the same corporate affiliate "provides delivery services to the electric utility or utilities in whose service area or areas the proposed service will be offered that are reasonably comparable to those offered by the electric utility." The Commission believes that each of the utilities identified in Attachment C to the application that operates in Illinois, Michigan, Pennsylvania, or Maryland meets condition 1 and condition 2 as articulated in *IBEW* and *Strategic*. The Commission, as a result, concludes that each of the eight entities identified in Attachment C to the application, and which is a corporate affiliate of one or more of the qualifying utilities identified therein, meets the standards to be a principal source of electricity stated in the Act as explained in the *IBEW* and *Strategic* decisions. Finally, the Commission concludes that within the meaning of the Appellate Court's decision in *IBEW*, granting Applicant a certificate will not constitute "allowing the new entrant to take an unreasonable advantage of the investments made by the formerly regulated industry."

As to the third condition contained in Section 16-115(d)(5), Applicant has agreed to annually certify during January of each year that it remains in compliance with Section 16-115 of the Act and with the Commission's rules. As a condition of granting this certification, Applicant is directed that in complying with Section 16-115 (d)(5), "a single source" shall be used to supply at least 65% of its purchased power and energy for each electric utility service area authorized herein and shall constitute its "principal



source of electricity" for each electric service area, so long as Section 16-115(d)(5) of the Act is effective. As long as Section 16-115(d)(5) of the Act is effective, Applicant is not allowed to use multiple sources to reach this 65% level in any individual electric service area authorized herein.

The Commission concludes, therefore, that the application for certification as an ARES should be granted and that the certificate should read as follows:

CERTIFICATE OF SERVICE AUTHORITY

IT IS CERTIFIED that Hudson Energy Services, LLC 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 residential and nonresidential retail customers.

GEOGRAPHIC REGION(S) SERVED: The service areas of Commonwealth Edison Company, Central Illinois Light Company d/b/a AmerenCILCO, Central Illinois Public Service Company d/b/a AmerenCIPS, Illinois Power Company d/b/a AmerenIP, MidAmerican Energy Company, and Mt. Carmel Public Utility.

**VII. FINDINGS AND ORDERING PARAGRAPHS**

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

- (1) Applicant, Hudson Energy, LLC, a business organized under the laws of New Jersey and authorized to do business in Illinois, seeks authority to become an ARES 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 has demonstrated that it possesses sufficient technical, financial, and managerial resources and abilities to provide power and energy to eligible residential and nonresidential retail customers throughout the areas certified herein;

- (5) Applicant has complied with Section 16-115(d)(1) through (5) and (8) of the Act and 83 Ill. Adm. Code 451; and
- (6) Hudson Energy Services, LLC should be granted a certificate of service authority to operate as an alternative retail electric supplier in those service areas identified in Section VI of this Order.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that Hudson Energy Services, LLC is hereby granted the Certificate of Service Authority set out in Section VI of this Order, subject to the conditions contained in this Order.

IT IS FURTHER ORDERED that Hudson Energy Services, LLC 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 26th day of September, 2007.

(SIGNED) CHARLES E. BOX

Chairman

COMMISSIONERS

KENNETH D. SCHISLER  
CHAIRMAN

J. JOSEPH CURRAN, III  
RONALD A. GUNS  
HAROLD D. WILLIAMS  
ALLEN M. FREIFELD

STATE OF MARYLAND



RECEIVED

JUL 14 2004

SUSAN S. MILLER  
GENERAL COUNSEL

FELECIA L. GREER  
EXECUTIVE SECRETARY

GREGORY V. CARMEAN  
EXECUTIVE DIRECTOR

PUBLIC SERVICE COMMISSION

#14, 7/7/04 AM; ML#92820

License Reference No. IR-639

July 7, 2004

Michael G. Nelson, Vice President  
Marketing Development & Regulatory Affairs  
Commonwealth Energy Corporation d/b/a electricAmerica  
15901 Red Hill Avenue, Suite 100  
Tustin, CA 92780

Dear Mr. Nelson:

On May 25, 2004, Commonwealth Energy Corporation d/b/a electricAmerica filed an Application for a license to supply electricity or electric generation services in Maryland pursuant to Commission Order No. 75608 issued on September 10, 1999 in Case No. 8738. The Company proposes to provide electricity supplier/marketer services throughout Maryland for residential, commercial and industrial customers with no restrictions upon the number and size of end use customers.

After considering this matter at the July 7, 2004 Administrative Meeting, the Commission granted Commonwealth Energy Corporation d/b/a electricAmerica a license to supply electricity or electric generation services in Maryland in accordance with its Application (License Reference Number IR-639). The license granted by the Commission under this Letter Order is limited to electricity supplier/marketer services only. Commonwealth Energy Corporation d/b/a electricAmerica is directed to file, within 30 days of execution, all appropriate service agreements pertaining to service as an electricity supplier in Maryland.

Finally, Commonwealth Energy Corporation d/b/a electricAmerica is reminded that it is under a continuing obligation to notify the Commission of any substantial changes to the information upon which the Commission relied in granting this license.

By Direction of the Commission,

A handwritten signature in black ink, appearing to read "Felecia L. Greer".  
Felecia L. Greer  
Executive Secretary

FLG/rmw

cc: Rajnish Barua, Director, Integrated Resource Planning  
Patricia Smith, Esquire, People's Counsel  
Rebecca Bowman, Esquire, Office of the Attorney General

WILLIAM DONALD SCHAEFER TOWER • 6 ST. PAUL STREET • BALTIMORE, MARYLAND 21202-6806

410-767-8000

Toll Free: 1-800-492-0474

FAX: 410-333-6495

MDRS: 1-800-735-2258 (TTY/Voice)

Website: www.nsc.state.md.us/nsc/

STATE OF MARYLAND



ROBERT L. EHRLICH, JR.  
GOVERNOR

MICHAEL S. STEELE  
LIEUTENANT GOVERNOR

COMMISSIONERS

KENNETH D. SCHISLER  
CHAIRMAN

J. JOSEPH CURRAN, III  
HAROLD D. WILLIAMS  
ALLEN M. FREIFELD

PUBLIC SERVICE COMMISSION

#16, 6/15/05 AM; ML#97130, IR-737

June 15, 2005

Mr. Anthony Cusati, III  
Senior Market Manager  
Commerce Energy, Inc.  
32991 Hamilton Court  
Farmington Hills, Michigan 48334

Dear Mr. Cusati:

On May 2, 2005, Commerce Energy, Inc. filed an Application for a license to supply natural gas or natural gas supply services in Maryland under COMAR 20.54. The Company proposes to provide natural gas supplier/marketer services throughout Maryland for residential and commercial customers without restrictions on the number and size of end use customers.

After considering this matter at the June 15, 2005 Administrative Meeting, the Commission granted Commerce Energy, Inc. a license to supply natural gas or natural gas supply services in Maryland in accordance with its Application (License Reference Number IR-737). Commerce Energy, Inc. is hereby directed to file the appropriate service agreements to comply with the licensing requirement within 30 days of execution.

Finally, Commerce Energy, Inc. is reminded that it is under a continuing obligation to notify the Commission of any substantial changes to the information upon which the Commission relied in granting this license.

By Direction of the Commission,

A handwritten signature in black ink, appearing to read "O. Ray Bourland".

O. Ray Bourland  
Executive Secretary

ORB/gjd

cc: Matthew W. Nayden, Esquire  
John Sillin, Director, Integrated Resource Planning  
Patricia Smith, People's Counsel  
Rebecca Bowman, Office of the Attorney General

STATE OF MARYLAND



MARTIN O'MALLEY  
GOVERNOR

ANTHONY G. BROWN  
LIEUTENANT GOVERNOR

COMMISSIONERS

STEVEN B. LARSEN  
CHAIRMAN

HAROLD D. WILLIAMS  
ALLEN M. FREIFELD  
SUSANNE BROGAN  
LAWRENCE BRENNER

PUBLIC SERVICE COMMISSION

#3, 10/10/07 AM, ML#107014  
License Reference No.: IR-1114

October 10, 2007

Mr. Avi Schoenfeld  
Manager, Business Development  
Hudson Energy Services, LLC  
4 Executive Blvd., Suite 301  
Suffern, New York 10901

Dear Mr. Schoenfeld:

On August 3, 2007, Hudson Energy Services, LLC filed an Application for a license to supply electricity or electric generation services in Maryland under COMAR 20.51. The Company proposes to provide electricity supplier/marketer services throughout Maryland for residential, commercial and industrial customers without restrictions on the number and size of end-use customers.

After considering this matter at the October 10, 2007, 2007 Administrative Meeting, the Commission granted Hudson Energy Services, LLC a license to supply electricity or electric generation services in Maryland in accordance with its Application (License Reference Number IR-1114). The license granted by the Commission under this Letter Order is limited to electricity supplier/marketer services only. Before providing electricity supplier services, the Company is directed to file the appropriate service agreements to comply with the licensing requirements within ten days of execution.

Finally, Hudson Energy Services, LLC is reminded that it is under a continuing obligation to notify the Commission of any substantial changes to the information upon which the Commission relied in granting this license.

By Direction of the Commission,

Terry J. Romine  
Executive Secretary

TJR/gjd

c: Robert J. Howatt, Director, Energy Resource and Markets

STATE OF MARYLAND



MARTIN O'MALLEY  
GOVERNOR

ANTHONY G. BROWN  
LIEUTENANT GOVERNOR

COMMISSIONERS

STEVEN B. LARSEN  
CHAIRMAN

HAROLD D. WILLIAMS  
ALLEN M. FREIFELD  
SUSANNE BROGAN  
LAWRENCE BRENNER

PUBLIC SERVICE COMMISSION

#2, 10/24/07 AM; ML#107200  
License Reference No: IR-1120

October 24, 2007

Mr. David Rosenberg  
Senior Vice President  
Hudson Energy Services, LLC  
4 Executive Boulevard, Suite 301  
Suffern, New York 10901

Dear Mr. Rosenberg:

On August 21, 2007 Hudson Energy Services, LLC filed an Application for a license to supply natural gas or natural gas supply services in Maryland under COMAR 20.54. The Company proposes to provide natural gas supplier/marketer services throughout Maryland for residential, commercial and industrial customers without restrictions on the number and size of end use customers.

After considering this matter at the October 24, 2007 Administrative Meeting, the Commission granted Hudson Energy Services, LLC a license to supply natural gas or natural gas supply services in Maryland in accordance with its Application (License Reference Number IR-1120). The license granted by the Commission under this Letter Order is limited to natural gas supply and marketer services only. Hudson Energy Services, LLC is hereby directed to file the appropriate service agreements to comply with the licensing requirements within 10 days of execution.

Finally, Hudson Energy Services, LLC is reminded that it is under a continuing obligation to notify the Commission of any substantial changes to the information upon which the Commission relied in granting this license.

By Direction of the Commission,

Terry J. Romine  
Executive Secretary

TJR/gjd

c: Robert J. Howatt, Director, Energy Resources and Markets  
Paula M. Carmody, Office of People's Counsel

WILLIAM DONALD SCHAEFER TOWER • 6 ST. PAUL STREET • BALTIMORE, MARYLAND 21202-6806  
410-767-8000 • Toll Free: 1-800-492-0474 • FAX: 410-333-6495  
MDS: 1-800-735-2258 (TTY/Voice) • Website: www.psc.state.md.us/psc



THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR

MATTHEW A. BEATON  
SECRETARY OF ENERGY  
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION  
BOSTON, MA 02110  
(617) 305-3500

ANGELA M. O'CONNOR  
CHAIRMAN

ROBERT E. HAYDEN  
COMMISSIONER

CECILE M. FRASER  
COMMISSIONER

July 12, 2017

Gretchen Fuhr -Regulatory Affairs  
Just Energy Massachusetts Corp.  
d/b/a Just Energy  
6345 Dixie Rd., Suite 400  
Mississauga, Ontario L5T 2E6  
Canada

Dear Ms. Fuhr,

The Department of Public Utilities ("Department") has reviewed your application for renewal of your **Competitive Supplier License, CS-069**, and is pleased to inform you that your application for renewal has been approved.

As a condition of maintaining this license, you must file updated information within 30 days of any material or organic change in the information required by 220 C.M.R. § 11.05(2), and you must comply with all relevant requirements of G.L. c. 164 and the regulations promulgated thereunder including 220 C.M.R. §§ 11.00, 12.00 et seq. If you decide to request renewal of your license next year, please submit renewal application no later than July 1, 2018. The renewal application is available at: [www.mass.gov/dpu/suppliersandbrokers](http://www.mass.gov/dpu/suppliersandbrokers).

  
Mark D. Marini, Secretary



THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR

MATTHEW A. BEATON  
SECRETARY OF ENERGY  
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION  
BOSTON, MA 02110  
(617) 305-3500

ANGELA M. O'CONNOR  
CHAIRMAN

JOLETTE A. WESTBROOK  
COMMISSIONER

ROBERT E. HAYDEN  
COMMISSIONER


June 1, 2017

Gretchen Fuhr, Mgr. Regulatory Affairs  
Hudson Energy Services, LLC  
6345 Dixie Rd., Suite 200  
Mississauga, ON L5T 2E6  
Canada

Dear Ms. Fuhr,

The Department of Public Utilities ("Department") has reviewed your application for renewal of your **Competitive Supplier License, CS-061**, and is pleased to inform you that your application for renewal has been approved.

As a condition of maintaining this license, you must file updated information within 30 days of any material or organic change in the information required by 220 C.M.R. § 11.05(2), and you must comply with all relevant requirements of G.L. c. 164 and the regulations promulgated thereunder, including 220 C.M.R. §§ 11.00, 12.00 *et seq.* If you decide to request renewal of your license next year, please submit renewal application no later than July 1, 2018. The renewal application is available at: [www.mass.gov/dpu/suppliersandbrokers](http://www.mass.gov/dpu/suppliersandbrokers).

  
Mark D. Marini, Secretary





THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR

MATTHEW A. BEATON  
SECRETARY OF ENERGY  
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION  
BOSTON, MA 02110  
(617) 305-3500

ANGELA M. O'CONNOR  
CHAIRMAN

JOLETTE A. WESTBROOK  
COMMISSIONER

ROBERT E. HAYDEN  
COMMISSIONER

April 21, 2017

Gretchen Fuhr  
Manager, US Regulatory Affairs  
6345 Dixie Road, Suite 200  
Mississauga, Ontario  
L5T 2E6 Canada

Ms. Fuhr,

The Department of Public Utilities has reviewed Hudson Energy Services LLC's ("Hudson Energy") application for renewal of its Gas Supplier license to residential, commercial and industrial customers in the Commonwealth of Massachusetts, and is pleased to inform you that the application has been approved. Hudson Energy's license number is **GS-034**.

As a condition of maintaining its license, Hudson Energy must file updated information within 30 days of any material change in the information required by 220 C.M.R. § 14.04(2), and must comply with all relevant requirements of G.L. c. 164 and the regulations thereunder, including 220 C.M.R. §§ 12.00, 14.00 *et seq.* If you decide to request renewal of Hudson Energy's license next year, please submit a renewal application at least 30 days prior to the expiration of this license.

Sincerely,

  
Mark D. Marini, Secretary

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

\*\*\*\*\*

In the matter of the application of )  
**COMMERCE ENERGY, INC.,** )  
for a license as an alternative electric supplier. )  
\_\_\_\_\_ )

Case No. U-13203

At the October 29, 2009 meeting of the Michigan Public Service Commission in Lansing,  
Michigan.

PRESENT: Hon. Orjiakor N. Isiogu, Chairman  
Hon. Monica Martinez, Commissioner  
Hon. Steven A. Transeth, Commissioner

**ORDER GRANTING LICENSE**

On November 20, 2001, the Commission granted Commonwealth Energy Corporation, d/b/a electricAmerica (Commonwealth), an alternative electric supplier (AES) license under the "Customer Choice and Electricity Reliability Act," 2000 PA 141, MCL 460.10 *et seq.* (Act 141). On August 18, 2005, a Commission Staff (Staff) memo was filed in this docket as notification that Commonwealth had legally changed its name to Commerce Energy, Inc. (Commerce), and had replaced Commonwealth as the licensed AES entity.

Act 141 requires the Commission to ensure that AESs have the necessary financial capability, possess technical competence to engage in energy transactions, are capable of meeting safety requirements for electric operations, and comply with all other lawful obligations. The June 19, 2000 order in Case No. U-11915 requires an AES to maintain an office within Michigan.

*Rcvd Nov 11, 2009  
Via mail.*

Additionally, Public Act 295 of 2008 (Act 295) requires an AES to establish a renewable energy plan and net metering program.

Commerce provided the Staff with a surety bond in the amount of \$100,000. Commerce opened an office in Southfield, Michigan, in compliance with the Michigan-office requirement. The Commission approved Commerce's renewable energy plan on April 16, 2009.

On April 29, 2009, Commerce submitted an updated application reflecting a change in ownership structure regarding its AES license. The application stated that Commerce's parent company was recently acquired by Just Energy Income Fund (formerly, Energy Savings Income Fund).<sup>1</sup>

The Staff is responsible for review of the application and for making a recommendation regarding a license. After reviewing Commerce's corporate management personnel descriptions and histories, the Staff determined that Commerce has sufficient experience and expertise to manage risk and to reliably supply electricity in Michigan's electric choice market. Based on the supplemental filings, the Staff determined that Commerce meets the requirements of Act 141, Act 295, and Case No. U-11915. The Staff recommends that the Commission grant Commerce an updated AES license.

The Commission finds that approval of the updated license is in the public interest. The grant of the updated license is conditioned on compliance with all applicable provisions of the statute and the Commission's orders. Failure to comply fully may result in revocation of the license or other penalties.

THEREFORE, IT IS ORDERED that:

A. Commerce Energy, Inc., is granted an updated license as an alternative electric supplier.

---

<sup>1</sup>See also, Case No. U-15980.

B. Commerce Energy, Inc., shall continue operating as an alternative electric supplier in compliance with the regulatory requirements specified in the "Customer Choice and Electricity Reliability Act," 2000 PA 141, MCL 460.10 *et seq.*, and the Commission's orders.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

---

Orjiakor N. Isiogu, Chairman

---

Monica Martinez, Commissioner

---

Steven A. Transeth, Commissioner

By its action of October 29, 2009.

---

Mary Jo Kunkle, Executive Secretary

**PUBLIC UTILITIES COMMISSION OF NEVADA**

**LICENSE**

Commerce Energy Inc.

License No. G-13  
Docket No. 06-10038

The Public Utilities Commission of Nevada ("Commission") hereby grants Commerce Energy Inc. this license to operate as an Alternative Seller of only discretionary service, i.e., the sale of natural gas to generating, industrial or large commercial customers, based upon its affidavit submitted on October 31, 2006, pursuant to Nevada Administrative Code 704.79523.

This license is not transferable. Nothing in this license shall be construed to create a franchise or to constitute the grant of an irrevocable license. Failure to comply with all applicable provisions of the Nevada Revised Statutes; all applicable rules, regulations and orders of the Commission; and the terms, conditions and limitations attached to this license shall comprise sufficient grounds for the suspension or revocation of this license.

Any errors in the drafting of this License may be corrected without further proceedings by the Commission.

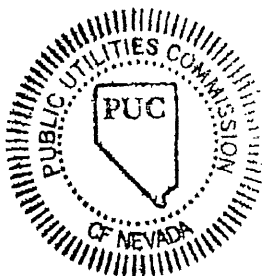
By the Commission,

  
\_\_\_\_\_  
DONALD L. SODERBERG, Chairman

Attest:   
CRYSTAL JACKSON, Commission Secretary

Dated: Carson City, Nevada

11-30-06  
(SEAL)





Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

Irene Kim Asbury  
Secretary to the Board  
(609) 292-1599

April 7, 2017

Kandi Terry  
Commerce Energy, Inc.  
6345 Dixie Road  
Mississauga, ON L5T 2E6 Canada

Re: **Electric Power and Natural Gas Supplier License Renewals**  
Dkt. Nos. EE16111100L & GE16111099L

Dear Ms. Terry:

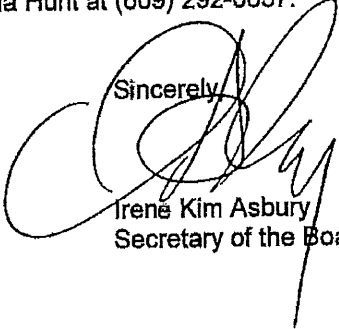
In accordance with the Electric Discount and Energy Competition Act of 1999, N.J.S.A. 48:3-49 et seq., at its March 24, 2017 Agenda meeting, the New Jersey Board of Public Utilities voted to renew the Electric Power and Natural Gas Supplier **LICENSES**, numbers ESL-0046 and GSL-0116, issued to Commerce Energy, Inc. d/b/a Just Energy. As of April 1, 2017, Commerce Energy, Inc. changed its name to Just Energy Solutions, Inc. ("Just Energy"). The enclosed licenses reflect the name change.

The enclosed licenses are effective April 7, 2017 and expire on April 6, 2018. These licenses and the rights thereunder are **Non-Transferable**.

***This letter is not an endorsement of, nor is it intended for use in, the marketing promotions of the licensee. Licensees shall comply with all applicable laws and regulations, including the Electric Discount and Energy Competition Act, which prohibits the unauthorized change of a customer's energy provider and other fraudulent and illegal marketing activities.***

If you have any questions, please contact Valencia Hunt at (609) 292-0637.

Sincerely,

  
Irene Kim Asbury  
Secretary of the Board

IKA/vch  
Encl.(s)

# State of New Jersey



## Board of Public Utilities

44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314, P.O. Box 350, Trenton, New Jersey 08625-0350

### HEREBY LICENSES

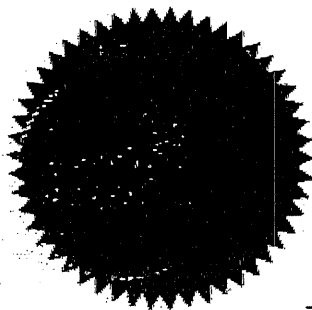
**Just Energy Solutions, Inc.**

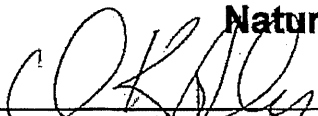
**d/b/a Just Energy**

19 Spear Road, Suite 204-B  
Ramsey, New Jersey 07446

To conduct business in the State of New Jersey as a

**Natural Gas Supplier**



  
Irene Kim Asbury  
Secretary of the Board

License No.      GSL-0116  
Effective Date:    April 7, 2017  
Expiration Date:   April 6, 2018

# State of New Jersey



## Board of Public Utilities

44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314, P.O. Box 350, Trenton, New Jersey 08625-0350

### HEREBY LICENSES

**Just Energy Solutions, Inc.**

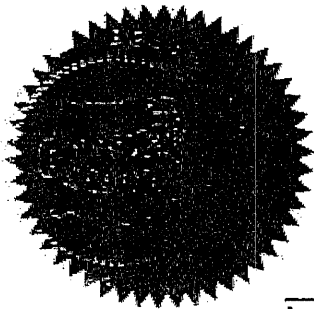
**d/b/a Just Energy**

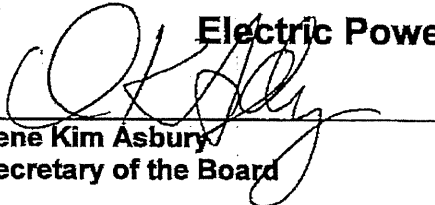
19 Spear Road, Suite 204-B

Ramsey, New Jersey 07446

To conduct business in the State of New Jersey as an

**Electric Power Supplier**



  
Irene Kim Asbury  
Secretary of the Board

License No. ESL-0046  
Effective Date: April 7 2017  
Expiration Date: April 6, 2018





Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

Irene Kim Asbury  
Secretary of the Board  
(609) 292-1599

July 29, 2016

Kandi Terry  
Manager, Regulatory Affairs and Government Relations  
Hudson Energy Services, LLC  
6345 Dixie Road, Suite 400  
Mississauga, Ontario, Canada  
L5T 2E6

Re: **Electric Power and Natural Gas Supplier License Renewals**  
Docket Nos. EE15121346L & GE15121347L

Dear Ms. Terry:

In accordance with the Electric Discount and Energy Competition Act of 1999, N.J.S.A. 48:3-49 et seq., at its July 29, 2016 Agenda meeting, the New Jersey Board of Public Utilities voted to renew the Electric Power and Natural Gas Supplier Licenses, numbers ESL-0083 and GSL-0069, issued to Hudson Energy Services, LLC.

The enclosed licenses are effective July 29, 2016 and expire on July 28, 2017. These licenses and the rights thereunder are **Non-Transferable**.

***This letter is not an endorsement of, nor is it intended for use in, the marketing promotions of the licensee. Licensees shall comply with all applicable laws and regulations, including the Electric Discount and Energy Competition Act, which prohibits the unauthorized change of a customer's energy provider and other fraudulent and illegal marketing activities.***

If you have any questions, please contact Valencia Hunt at (609) 292-0637.

Sincerely,

A handwritten signature in cursive script that reads "Irene Kim Asbury".

Irene Kim Asbury  
Secretary of the Board

/vch  
Encl.(s)

# State of New Jersey



## Board of Public Utilities

44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314, P.O. Box 350, Trenton, New Jersey 08625-0350

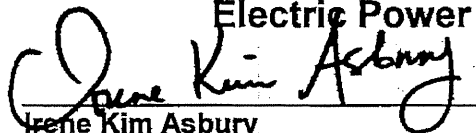
### HEREBY LICENSES

**Hudson Energy Services, LLC**

7 Cedar Terrace  
Ramsey, New Jersey 07746

To conduct business in the State of New Jersey as an

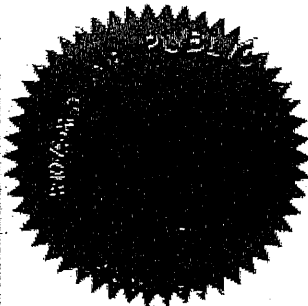
**Electric Power Supplier**



*Irene Kim Asbury*

Irene Kim Asbury  
Secretary of the Board

License No. ESL-0083  
Effective Date: July 29, 2016  
Expiration Date: July 28, 2017



# State of New Jersey



## Board of Public Utilities

44 South Clinton Avenue, 3<sup>rd</sup> Floor, Suite 314, P.O. Box 350, Trenton, New Jersey 08625-0350

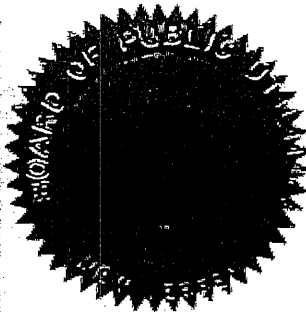
### HEREBY LICENSES

**Hudson Energy Services, LLC**

7 Cedar Terrace  
Ramsey, New Jersey 07746

To conduct business in the State of New Jersey as a

**Gas Supplier**



*Irene Kim Asbury*

Irene Kim Asbury  
Secretary of the Board

License No.       GSL-0069  
Effective Date:   July 29, 2016  
Expiration Date:  July 28, 2017

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE  
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

PUBLIC SERVICE COMMISSION

GARRY A. BROWN  
*Chairman*  
PATRICIA L. ACAMPORA  
MAUREEN F. HARRIS  
ROBERT E. CURRY JR.  
JAMES L. LAROCCA  
*Commissioners*



PETER McGOWAN  
*General Counsel*

JACLYN A. BRILLING  
*Secretary*

January 19, 2011

Mr. Nevill Ravji  
Fulcrum Retail Energy New York, LLC  
3800 Buffalo Speedway,  
Suite 500  
Houston, TX 77098

RE: Fulcrum Retail Energy New York LLC - ESCO Code - FULC

Dear Mr. Ravji:

Thank you for submitting your Retail Access Application Package to become an Energy Services Company (ESCO) serving residential and nonresidential natural gas and electric customers in New York State. This letter is to inform you that documentation submitted in your application package, including sales agreements for the ESCO Referral Programs, have been reviewed by Staff and established to be in compliance with the New York State Public Service Commission's ESCO eligibility requirements that are implemented by codes and regulations found in the Uniform Business Practices, the Home Energy Fair Practices and other applicable regulations.

I am also pleased to notify you that Fulcrum Retail Energy New York, LLC has successfully met the Commission's EDI Phase I certification requirements for core, utility rate and bill ready transactions effective January 18, 2011. All requirements therefore, for this initial stage of your eligibility determination have been satisfied.

Please be advised that you may now continue with the utility approval stage of the eligibility process by contacting those companies in whose service territories you intend to participate. The utility stage normally consists of a creditworthiness determination, completion of Phase III EDI testing and the execution of any operating or billing service agreements. Please note that each utility's eligibility requirements pertain to only their retail access programs.

Once you have satisfactorily completed the utility eligibility stage, Staff will be notified by the utility of your success. It would be helpful if Fulcrum Retail Energy New York, LLC notified Staff of the actual production date in the utility service territories you

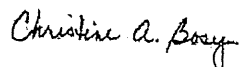
intend to enroll customers. At that point I will confirm that your final eligibility requirements have been satisfied.

Be advised that to maintain your ESCO eligibility, you must notify Staff of any substantive legal, financial or business related changes to your company as they occur. If your business plan changes and you decide to expand your service offerings by choosing to do business in other utility service territories, you must immediately submit the appropriate documentation for Staff review and determination of how it affects your current eligibility.

If you are using vendors to provide ESCO related services (e.g., EDI), the ESCO remains fully responsible for any activities the vendors perform. If you have not already done so, or if you have changed vendors since last reporting them to us, please provide Staff a list with contact information for all vendors that you are now using. ***Finally, you must submit a statement annually, by January 31<sup>st</sup>, indicating that the information in your original or most recent updated Retail Access Application (RAAF) remains current, or submit a revised RAAF with statement identifying revisions.*** Upon completion of our review of new eligibility information, Staff will then update your eligibility status as necessary.

We will only post your company's contact information on our Website once you have completed the eligibility process and are ready to begin enrolling customers. Please do not hesitate to contact me if you have any further questions or concerns at (518) 486-2432 or Christine\_Bosy@dps.state.ny.us.

Sincerely,



Christine A. Bosy  
Retail Access Section  
Office of Consumer Policy

cc: Via Email  
U. Fogel

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE  
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

PUBLIC SERVICE COMMISSION

GARRY A. BROWN  
*Chairman*  
PATRICIA L. ACAMPORA  
MAUREEN F. HARRIS  
ROBERT E. CURRY JR.  
JAMES L. LAROCCA  
*Commissioners*



PETER McGOWAN  
*General Counsel*

JACLYN A. BRILLING  
*Secretary*

January 19, 2011

Mr. Nevill Ravji  
Fulcrum Retail Energy New York, LLC  
3800 Buffalo Speedway,  
Suite 500  
Houston, TX 77098

**RE: Fulcrum Retail Energy New York LLC - ESCO Code - FULC**

Dear Mr. Ravji:

Thank you for submitting your Retail Access Application Package to become an Energy Services Company (ESCO) serving residential and nonresidential natural gas and electric customers in New York State. This letter is to inform you that documentation submitted in your application package, including sales agreements for the ESCO Referral Programs, have been reviewed by Staff and established to be in compliance with the New York State Public Service Commission's ESCO eligibility requirements that are implemented by codes and regulations found in the Uniform Business Practices, the Home Energy Fair Practices and other applicable regulations.

I am also pleased to notify you that Fulcrum Retail Energy New York, LLC has successfully met the Commission's EDI Phase I certification requirements for core, utility rate and bill ready transactions effective January 18, 2011. All requirements therefore, for this initial stage of your eligibility determination have been satisfied.

Please be advised that you may now continue with the utility approval stage of the eligibility process by contacting those companies in whose service territories you intend to participate. The utility stage normally consists of a creditworthiness determination, completion of Phase III EDI testing and the execution of any operating or billing service agreements. Please note that each utility's eligibility requirements pertain to only their retail access programs.

Once you have satisfactorily completed the utility eligibility stage, Staff will be notified by the utility of your success. It would be helpful if Fulcrum Retail Energy New York, LLC notified Staff of the actual production date in the utility service territories you

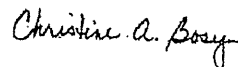
intend to enroll customers. At that point I will confirm that your final eligibility requirements have been satisfied.

Be advised that to maintain your ESCO eligibility, you must notify Staff of any substantive legal, financial or business related changes to your company as they occur. If your business plan changes and you decide to expand your service offerings by choosing to do business in other utility service territories, you must immediately submit the appropriate documentation for Staff review and determination of how it affects your current eligibility.

If you are using vendors to provide ESCO related services (e.g., EDI), the ESCO remains fully responsible for any activities the vendors perform. If you have not already done so, or if you have changed vendors since last reporting them to us, please provide Staff a list with contact information for all vendors that you are now using. ***Finally, you must submit a statement annually, by January 31<sup>st</sup>, indicating that the information in your original or most recent updated Retail Access Application (RAAF) remains current, or submit a revised RAAF with statement identifying revisions.*** Upon completion of our review of new eligibility information, Staff will then update your eligibility status as necessary.

We will only post your company's contact information on our Website once you have completed the eligibility process and are ready to begin enrolling customers. Please do not hesitate to contact me if you have any further questions or concerns at (518) 486-2432 or Christine\_Bosy@dps.state.ny.us.

Sincerely,



Christine A. Bosy  
Retail Access Section  
Office of Consumer Policy

cc: Via Email  
U. Fogel

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE  
814 ELLICOTT SQUARE BUILDING, 295 MAIN STREET, BUFFALO, NY 14203-2508  
Internet Address: <http://www.dps.state.ny.us>

PUBLIC SERVICE COMMISSION

WILLIAM M. FLYNN  
*Chairman*  
THOMAS J. DUNLEAVY  
LEONARD A. WEISS  
NEAL N. GALVIN



DAWN JABLONSKI RYMAN  
*General Counsel*

JACLYN A. BRILLING  
*Secretary*

March 7, 2005

Joseph del Moral  
New York Energy Savings Corp.  
6345 Dixie Road  
Suite 200  
Mississauga, Ontario L5T 2E6

Dear Joseph:

Thank you for submitting your Retail Access Application Package to become an ESCO serving residential and non residential natural gas and electric customers in New York State. This letter is to inform you that your application, standard sales agreement and corresponding attachments have been reviewed by Staff and found to be in compliance with the New York State ESCO eligibility requirements that are implemented by codes and regulations found in the Uniform Business Practices and the Home Energy Fair Practices Act.

I am pleased to notify you that New York Energy Savings Corp. has successfully met New York's EDI Phase I certification requirements for all transactions required for Utility Rate Ready and Utility Bill Ready Consolidated Billing, effective March 7, 2005. All requirements therefore, for this first stage of your eligibility determination have now been satisfied.

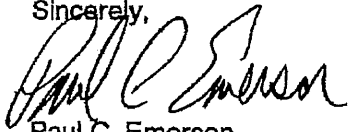
Please be advised that you may now continue with the utility eligibility stage of this approval process by contacting those companies in whose service territories you intend to participate. The utility eligibility stage normally consists of a creditworthiness determination, completion of Phase III EDI testing and the execution of either an operating or billing service agreement. Please note that each utility's eligibility requirements pertain only to their retail access programs.

Once you have satisfactorily completed the utility eligibility stage, Staff will be notified by the utility of your success. I would ask that you also notify us when you are ready to enroll customers and begin production. At that point I will notify you in writing that your final eligibility requirements have been satisfied.



I would ask that you now provide me with the actual company name, street and internet address along with the name, phone and fax numbers, and email address of your company's customer service contact. We will only post that information on our Web site once we have completed your approval process. Also, please provide the same information for an individual designated as your regulatory contact. You may contact me at your convenience with any questions or concerns at 716/847-3418, or by email at [Paul.Emerson@dps.state.ny.us](mailto:Paul.Emerson@dps.state.ny.us).

Sincerely,



Paul C. Emerson  
Market Operation and Design  
Office of Retail Market Development

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE  
814 ELLICOTT SQUARE BUILDING, 295 MAIN STREET, BUFFALO, NY 14203-2508  
Internet Address: <http://www.dps.state.ny.us>

PUBLIC SERVICE COMMISSION

WILLIAM M. FLYNN  
*Chairman*  
THOMAS J. DUNLEAVY  
LEONARD A. WEISS  
NEAL N. GALVIN



DAWN JABLONSKI RYMAN  
*General Counsel*

JACLYN A. BRILLING  
*Secretary*

March 7, 2005

Joseph del Moral  
New York Energy Savings Corp.  
6345 Dixie Road  
Suite 200  
Mississauga, Ontario L5T 2E6

Dear Joseph:

Thank you for submitting your Retail Access Application Package to become an ESCO serving residential and non residential natural gas and electric customers in New York State. This letter is to inform you that your application, standard sales agreement and corresponding attachments have been reviewed by Staff and found to be in compliance with the New York State ESCO eligibility requirements that are implemented by codes and regulations found in the Uniform Business Practices and the Home Energy Fair Practices Act.

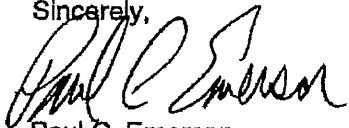
I am pleased to notify you that New York Energy Savings Corp. has successfully met New York's EDI Phase I certification requirements for all transactions required for Utility Rate Ready and Utility Bill Ready Consolidated Billing, effective March 7, 2005. All requirements therefore, for this first stage of your eligibility determination have now been satisfied.

Please be advised that you may now continue with the utility eligibility stage of this approval process by contacting those companies in whose service territories you intend to participate. The utility eligibility stage normally consists of a creditworthiness determination, completion of Phase III EDI testing and the execution of either an operating or billing service agreement. Please note that each utility's eligibility requirements pertain only to their retail access programs.

Once you have satisfactorily completed the utility eligibility stage, Staff will be notified by the utility of your success. I would ask that you also notify us when you are ready to enroll customers and begin production. At that point I will notify you in writing that your final eligibility requirements have been satisfied.

I would ask that you now provide me with the actual company name, street and internet address along with the name, phone and fax numbers, and email address of your company's customer service contact. We will only post that information on our Web site once we have completed your approval process. Also, please provide the same information for an individual designated as your regulatory contact. You may contact me at your convenience with any questions or concerns at 716/847-3418, or by email at [Paul\\_Emerson@dps.state.ny.us](mailto:Paul_Emerson@dps.state.ny.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Paul C. Emerson". The signature is written in a cursive style with a large initial "P".

Paul C. Emerson  
Market Operation and Design  
Office of Retail Market Development

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

PUBLIC SERVICE COMMISSION

MAUREEN O. HELMER  
*Chairman*  
THOMAS J. DUNLEAVY  
JAMES D. BENNETT  
LEONARD A. WEISS  
NEAL N. GALVIN



LAWRENCE G. MALONE  
*General Counsel*

JANET HAND DEIXLER  
*Secretary*

September 25, 2002

Mr. David Rosenberg  
HUDSON ENERGY SERVICES, LLC  
24 Cortland Road  
Monsey, NY 10952

Dear Mr. Rosenberg:

This is to inform you that your application for retail natural gas sales to residential and nonresidential consumers submitted to the Office of Consumer Education and Advocacy of the New York State Department of Public Service was found to be in compliance with the Public Service Commission's Orders in Cases 93-G-0932, 94-E-0952 et al and Opinion 97-5.

It is important for our records, that you send copies of your customer solicitation letter/package or other promotional literature or media to Ms. Honor M. Kennedy, Office of Consumer Education and Advocacy, at the above address.

**YOU ARE REQUIRED TO KEEP THE DEPARTMENT OF PUBLIC SERVICE INFORMED of changes in standard contract content, corporate names, mergers and affiliations that may affect the information provided in your application; telephone contact numbers and persons, e-mail and website address modifications; and addenda to the contract, application and/or disclosure statement forms herein found in compliance. YOU ARE ALSO REQUIRED TO SUBMIT PRIOR TO DISTRIBUTION, DRAFTS OF ANY CONSUMER NOTICES REQUIRED BY BOTH COMMISSION ORDER AND YOUR STANDARD CONSUMER CONTRACT.**

Sincerely,

Handwritten signature of Richard C. Roman in cursive.

Richard C. Roman  
MARKET OVERSIGHT UNIT

RCR/

cc: Files, Office of the Secretary

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE  
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350  
Internet Address: <http://www.dps.state.ny.us>

PUBLIC SERVICE COMMISSION

MAUREEN O. HELMER  
*Chairman*  
THOMAS J. DUNLEAVY  
JAMES D. BENNETT  
LEONARD A. WEISS  
NEAL N. GALVIN



LAWRENCE G. MALONE  
*General Counsel*  
JANET HAND DEIXLER  
*Secretary*

December 16, 2002

Mr. David Rosenberg  
HUDSON ENERGY SERVICES  
545 Route 17 South  
Ridgewood, NJ 07450

Dear Mr. Rosenberg:

This is to inform you that your Application and Disclosure Statement for retail electric sales submitted to the Office of Consumer Education & Advocacy of the New York State Department of Public Service was found to be in compliance with the Public Service Commission's Orders in Cases 93-G-0932 et al, 94-E-0952 et al and Opinion 97-5.

It is important for our records, that you send copies of your customer solicitation letter/package or other promotional literature or media to my attention as well.

Also, *you are required to notify the New York State Public Service Commission of ANY changes in corporate names, mergers and/or affiliations, corporate addresses, telephone contact numbers and persons, e-mail and website addresses or modifications and addenda to the Application and/or Disclosure Statement forms herein found in compliance.*

Thank you for your cooperation and attention to detail in this matter.

Sincerely,

Honor Marie Kennedy  
Office of Consumer Education & Advocacy  
Market Oversight Unit

HMK/  
cc: PSC Central Files



**Public Utilities  
Commission**

Asim Z. Haque, Chairman

Commissioners  
M. Beth Trombold  
Thomas W. Johnson  
Lawrence K. Friedeman  
Daniel R. Conway

4

**PUBLIC UTILITIES COMMISSION OF OHIO**

*Certified as a Competitive Retail Electric Service Provider*

**RENEWAL**

Certificate Number:

01-74E (9)

Issued Pursuant to Case Number(s):

01-1123-EL-CRS

A certificate as a Competitive Retail Electric Service Provider is hereby granted to **Just Energy Solutions Inc** whose office or principal place of business is located at **6345 Dixie Road, Suite 400, Mississauga, ON, L5T 2E6, Canada** to provide power marketer services within the State of Ohio effective **August 18, 2017**.

The certification of competitive retail electric suppliers is governed by Section 4901:1-24-(01-13) of the Ohio Administrative Code, Section 4901:1-21-(01-15) of the Ohio Administrative Code, and Section 4928.08 of the Ohio Revised Code.

This Certificate is revocable if all of the conditions set forth in the aforementioned case(s) are not met.

Subject to all rules and regulations of the Commission, now existing or hereafter promulgated.

Witness the seal of the Commission affixed at Columbus, Ohio.

Dated: **August 22, 2017**

By Order of

PUBLIC UTILITIES COMMISSION OF OHIO

Barcy F. McNeal, Secretary  
Tanowa M. Troupe, Acting Secretary  
Felecia D. Burdett, Acting Secretary

**Certificate Expires: August 18, 2019**

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician MM Date Processed AUG 22 2017

**The Public Utilities Commission of Ohio**  
**Ohio Competitive Retail Natural Gas Marketer Certificate**

**Revised Renewal**

Issued pursuant to Case Number(s):

**02-182B-GA-CRS**

is

Ohio Competitive Retail Natural Gas Aggregator/Broker Certificate Number:

**02-023G (7)**

Granted to:

**Just Energy Solutions Inc.**

Whose office or principal place of business is located at:

**6345 Dixie Road, Suite 200, Mississauga ON L5T 2E6 Canada**

And is hereby certified to provide:

**Retail Natural Gas Marketer Services, Retail Natural Gas Brokerage Services  
and Aggregation**

within the state of Ohio, for a two-year period.

Certification Effective:

**January 16, 2017 through January 16, 2019**

The certification of Ohio competitive retail natural gas marketers is governed by Chapter 4901:1-27 of the Ohio Administrative Code and section 4929.20 of the Ohio Revised Code.

This Certificate is revocable if all of the conditions set forth in the aforementioned case(s) as well as those under law, are not met.

Certified entity is subject to all rules and regulations of the commission, now existing or hereafter promulgated.

Witness the seal of the Commission affixed at Columbus, Ohio

Dated: **April 4, 2017**

By Order of  
The Public Utilities Commission of Ohio



Barcy F. McNeal, Secretary

Tanowa M. Troupe, Acting Secretary

Felecia D. Burdett, Acting Secretary

FILE



**Public Utilities  
Commission**

Asim Z. Haque, Chairman

Commissioners  
M. Beth Trombold  
Thomas W. Johnson  
Lawrence K. Friedeman  
Daniel R. Conway

**PUBLIC UTILITIES COMMISSION OF OHIO**

*Certified as a Competitive Retail Electric Service Provider*

Certificate Number:

17-1266E (1)

Issued Pursuant to Case Number(s):

17-1991-EL-AGG

A certificate as a Competitive Retail Electric Service Provider is hereby granted to, **Interactive Energy Group LLC** whose office or principal place of business is located at **5251 Westheimer Road, Suite 1000, Houston, TX 77056** to provide power broker services within the State of Ohio effective **October 19, 2017**.

The certification of competitive retail electric suppliers is governed by Section 4901:1-24-(01-13) of the Ohio Administrative Code, Section 4901:1-21-(01-15) of the Ohio Administrative Code, and Section 4928.08 of the Ohio Revised Code.

This Certificate is revocable if all of the conditions set forth in the aforementioned case(s) are not met.

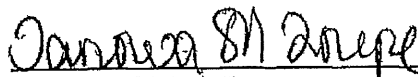
Subject to all rules and regulations of the Commission, now existing or hereafter promulgated.

Witness the seal of the Commission affixed at Columbus, Ohio.

Dated: October 20, 2017

By Order of

PUBLIC UTILITIES COMMISSION OF OHIO

  
Barcy F. McNeal, Secretary  
Tanowa M. Troupe, Acting Secretary  
Susan Patterson, Acting Secretary  
Beverly Hoskinson, Acting Secretary

Certificate Expires: October 19, 2019

This is to certify that the images appearing on this document delivered in the regular course of business. Technician [Signature] Date Processed 10/20/17 (614) 466-3016 www.PUCO.ohio.gov



**CRES AUTOMATIC CASE ACTION FORM**

Date: **10-20-17**

Case Number: **17-1991-EL-AGG**

Company Name and Company Name d/b/a: **Interactive Energy Group LLC**

Company Address: **5251 Westheimer Road Suite 1000**

Company City/State/Zip: **Houston TX 77056**

Regulatory Contact: **John Patrick Keegan**

Phone: **614-307-7838**

Email: **jkeegan@justenergy.com**

Address: **5251 Westheimer Road Suite 1000**

City/State/Zip: **Houston TX 77056**

Renewal

**Action Needed:**

Issue Certificate Number to: **Interactive Energy Group LLC**

Effective Date of Certificate: **10-19-17** Certificate Expires: **10-19-19**

Renew Certificate Number from: \_\_\_\_\_ to: \_\_\_\_\_

Effective Date of Certificate: \_\_\_\_\_ Certificate Expires: \_\_\_\_\_

Certified To Provide the Following Services:

Retail Generation

Aggregation

Power Marketer

Power Broker

Governmental Aggregation

Revise Certificate Number: \_\_\_\_\_ to (check all applicable):

Reflect name change from: \_\_\_\_\_ to \_\_\_\_\_

Reflect address change from: \_\_\_\_\_ to \_\_\_\_\_

Correct Administrative Error:

Reflect Change of Ownership to: \_\_\_\_\_


Cancel Certificate Number:

Protect Un-redacted copies until:

Close Case File, Case Withdrawn at Applicant's Request

Close Case File

**CASE NUMBER:** 17-1991-EL-AGG  
**CASE DESCRIPTION:** INTERACTIVE ENERGY GROUP LLC  
**DATE OF SERVICE:** 10/20/2017  
**DOCUMENT SIGNED ON:** 10/20/2017

Sign Here: \_\_\_\_\_ 

|                                |                  |                 |
|--------------------------------|------------------|-----------------|
|                                | <b>APPLICANT</b> |                 |
| <b>PARTY OF RECORD</b>         |                  | <b>ATTORNEY</b> |
| INTERACTIVE ENERGY GROUP LLC   | NONE             |                 |
| JOHN KEEGAN                    |                  |                 |
| 5251 WESTHEIMER RD, SUITE 1000 |                  |                 |
| HOUSTON, TX 77056              |                  |                 |
| Phone: 714-259-2508            |                  |                 |

|                        |                                     |                 |
|------------------------|-------------------------------------|-----------------|
|                        | <b>ATTORNEY</b>                     |                 |
| <b>PARTY OF RECORD</b> |                                     | <b>ATTORNEY</b> |
| none                   | *Howard, Stephen M Mr.              |                 |
|                        | Vorys, Sater, Seymour and Pease LLP |                 |
|                        | 52 E. Gay Street                    |                 |
|                        | Columbus, OH 43215                  |                 |
|                        | Phone: 614-464-5401                 |                 |
|                        | Fax: 614-719-4772                   |                 |
|                        | Email: smhoward@vorys.com           |                 |

FILE

# The Public Utilities Commission of Ohio

## Ohio Competitive Retail Natural Gas Aggregator/Broker Certificate

Issued pursuant to Case Number(s):  
**17-1992-GA-AGG**

is  
Ohio Competitive Retail Natural Gas Aggregator/Broker Certificate Number:  
**17-624G(1)**

Granted to:  
**Interactive Energy Group LLC**

Whose office or principal place of business is located at:  
**5251 Westheimer Road, Suite 1000, Houston, TX 77056**

And is hereby certified to provide:  
**Retail Natural Gas Aggregator/Broker Services**  
within the state of Ohio, for a two-year period.

Certification Effective:  
**October 19, 2017 through October 19, 2019**

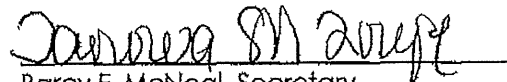
The certification of Ohio competitive retail natural gas aggregators/brokers is governed by Chapter 4901:1-27 of the Ohio Administrative Code and section 4929.20 of the Ohio Revised Code.

This Certificate is revocable if all of the conditions set forth in the aforementioned case(s) as well as those under law, are not met.

Certified entity is subject to all rules and regulations of the commission, now existing or hereafter promulgated.

Witness the seal of the Commission affixed at Columbus, Ohio  
Dated: **October 24, 2017**

By Order of  
The Public Utilities Commission of Ohio



Barcy F. McNeal, Secretary  
Tanowa M. Troupe, Acting Secretary  
Susan Patterson, Acting Secretary  
Beverly Hoskinson, Acting Secretary

Form No. CRNGS/AGG/B-06  
I hereby certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician TN Date Processed OCT 24 2017

**CRNGS AUTOMATIC CASE ACTION FORM**

Date: 10/23/17

Case Number: 17-1992-GA-AGG

Company Name and Company Name d/b/a: **Interactive Energy Group LLC**

Company Address: **5251 Westheimer Road, Suite 1000**

Company City/State/Zip: **Houston, TX 77056**

Regulatory Contact: **John Patrick Keegan**

Phone: **614-307-7838**

Email: **jKeegan@justenergy.com**

Address: **5251 Westheimer Road, Suite 1000**

City/State/Zip: **Houston, TX 77056**

Renewal

**Action Needed:**

Issue Certificate Number: **17-624 G(1)** to: **Interactive Energy Group LLC**  
Effective Date of Certificate: **10/19/17** Certificate Expires: **10/19/19**

Renew Certificate Number from:                    to:  
Effective Date of Certificate:                    Certificate Expires:

Certified To Provide the Following Services:

- Retail Natural Gas Aggregator
- Retail Natural Gas Broker
- Retail Natural Gas Supplier/Marketer
- Natural Gas Governmental Aggregator

Revise Certificate Number:                    to (check all applicable):

- Reflect name change from:                    to
- Reflect address change from:                    to
- Correct Administrative Error:
- Reflect Change of Ownership to:

Cancel Certificate Number:

Protect Un-redacted copies until:

Close Case File, Case Withdrawn at Applicant's Request

Close Case File

**CASE NUMBER:** 17-1992-GA-AGG  
**CASE DESCRIPTION:** INTERACTIVE ENERGY GROUP LLC  
**DATE OF SERVICE:** 10/24/2017  
**DOCUMENT SIGNED ON:** 10/24/2017

Sign Here: \_\_\_\_\_ *DMS*

| PARTY OF RECORD  | APPLICANT | ATTORNEY |
|--|-----------|----------|
| Interactive Energy Group LLC<br>5251 Westheimer Rd., Suite 1000<br>Houston, TX 77056<br>Phone: 714-259-2508<br>Email: www.InteractiveEnergyGroup.com | NONE      |          |

---

| PARTY OF RECORD | ATTORNEY   | ATTORNEY |
|-----------------|--|----------|
| none            | *Howard, Stephen M Mr.<br>Vorys, Sater, Seymour and Pease LLP<br>52 E. Gay Street<br>Columbus, OH 43215<br>Phone: 614-464-5401<br>Fax: 614-719-4772<br>Email: smhoward@vorys.com |          |

---

**The Public Utilities Commission of Ohio**  
**Ohio Competitive Retail Natural Gas Marketer Certificate**

**Renewal**

Issued pursuant to Case Number(s):

**12-2488-GA-CRS**

is

Ohio Competitive Retail Natural Gas Aggregator/Broker Certificate Number:  
**12-271G (3)**

Granted to:

**Hudson Energy Services, LLC**

Whose office or principal place of business is located at:

**6345 Dixie Road, Suite 200 Mississauga, Ontario L5T 2E6, Canada**

And is hereby certified to provide:

**Retail Natural Gas Marketer Services, Retail Natural Gas Brokerage Services  
and Aggregation**

within the state of Ohio, for a two-year period.

Certification Effective:

**October 17, 2016 through October 17, 2018**

The certification of Ohio competitive retail natural gas marketers is governed by Chapter 4901:1-27 of the Ohio Administrative Code and section 4929.20 of the Ohio Revised Code.

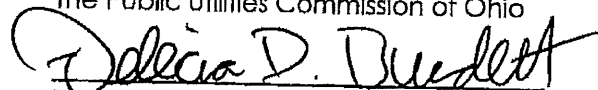
This Certificate is revocable if all of the conditions set forth in the aforementioned case(s) as well as those under law, are not met.

Certified entity is subject to all rules and regulations of the commission, now existing or hereafter promulgated.

Witness the seal of the Commission affixed at Columbus, Ohio

Dated: **October 17, 2016**

By Order of  
The Public Utilities Commission of Ohio



Barcy F. McNeal, Secretary  
Tanowa M. Troupe, Acting Secretary  
Felecia D. Burdett, Acting Secretary



**Public Utilities  
Commission**

John Kasich, Governor  
Asim Z. Haque, Chairman

Commissioners  
Lynn Slaby  
M. Beth Trombold  
Thomas W. Johnson  
M. Howard Petricoff

**PUBLIC UTILITIES COMMISSION OF OHIO**

*Certified as a Competitive Retail Electric Service Provider*

**RENEWAL**

Certificate Number:

**12-538E (3)**

Issued Pursuant to Case Number(s):

**12-1894-EL-CRS**

A certificate as a Competitive Retail Electric Service Provider is hereby granted to **Hudson Energy Services, LLC** whose office or principal place of business is located at **6345 Dixie Road, Suite 200, Mississauga, Ontario, L5T 2E6, Canada** to provide **retail generation and power marketer** services within the State of Ohio effective **July 23, 2016**.

The certification of competitive retail electric suppliers is governed by Section 4901:1-24-(01-13) of the Ohio Administrative Code, Section 4901:1-21-(01-15) of the Ohio Administrative Code, and Section 4928.08 of the Ohio Revised Code.

This Certificate is revocable if all of the conditions set forth in the aforementioned case(s) are not met.

Subject to all rules and regulations of the Commission, now existing or hereafter promulgated.

Witness the seal of the Commission affixed at Columbus, Ohio.

Dated: **July 27, 2016**

By Order of

PUBLIC UTILITIES COMMISSION OF OHIO

Barcy F. McNeal, Secretary  
Tanowa M. Troupe, Acting Secretary  
Felecia D. Burdett, Acting Secretary

**Certificate Expires: July 23, 2018**

## Certification Welcome Letter

Your application for certification as a Competitive Retail Electric Service (CRES) or Competitive Retail Natural Gas Service (CRNGS) supplier, broker/aggregator, or governmental aggregation has been approved by the PUCO. Included is a copy of your certificate.

With your certification to operate in Ohio come certain requirements and responsibilities that you will need to manage and complete in order to keep and maintain your certification.

### Certification Renewal

As is noted in the instructions of the Initial Certification Application you filed, you are required to renew your certification every two years. By rule, you must submit your renewal application ***no less than thirty and no more than sixty calendar days prior to the expiration date indicated on your certificate.***

**Note that failure to file your application within the guidelines of the rule will lead to additional steps required to be completed in order to renew your certification, or potential cancellation of your current certification.**

The forms for submitting your electric or natural gas renewal applications are available on our website under the Industry tabs for Electric and Natural Gas on our Home Page at: <http://www.puco.ohio.gov/>

### Material Change Notification

If there are any changes to the information you supplied in your application, especially changes to the contact information of regulatory contact or staff contact for customer complaints, per Ohio Administrative Code rules §4901:1-24-11 and §4901:1-27-11, you are required to file with the Commission a material change notification within 30 days of the change.

### Annual Report Filing

You are also required to submit an annual report to the Commission and pay an annual assessment. Note that separate reports and assessments are required for electric and natural gas certifications.

This requirement is effective the year following the issuance of your certification. The filing deadline for submitting your annual reports is April 30 of that year, as directed in an order issued by the Commission in January.

Information on how to file the annual report is available on our website at the Annual Reports link under the Documents and Rule section on our Home Page.

### Renewable Energy Portfolio Standards

Power marketers and retail electric generation providers should also be aware of Ohio's renewable portfolio standard, and the required annual payment for noncompliance with any renewable energy resource benchmark. See the *Ohio's renewable energy portfolio standard* link under the Industry tab for Electric on our Home Page.

### Market Monitoring Reporting

The purpose of these market monitoring requirements is to assist the PUCO in determining the extent to which effective competition exists for a competitive retail electric service. Certified retail electric service power marketers, power brokers, aggregators or independent power producers/distributed generators are required to submit monthly marketing monitoring data on a quarterly basis per the requirements set forth in rule §4901:1-25-02(A)(2). See the *Electric market monitoring reporting forms* link under the Industry tab for Electric on our Home Page for the forms and instructions for reporting the data.





COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
400 NORTH STREET, HARRISBURG, PA 17120

IN REPLY PLEASE  
REFER TO OUR FILE

April 5, 2017

Docket No. A-110117  
Utility Code: 110117

JOHN F POVILAITIS  
BUCHANAN INGERSOLL & ROONEY PC FOR  
JUST ENERGY SOLUTIONS INC D/B/A JUST ENERGY  
409 NORTH SECOND STREET SUITE 500  
HARRISBURG PA 17101-1357

Re: Electric Generation Supplier License

Dear Mr. Povilaitis:

On July 12, 2005, the Commission issued an electric generation supplier license, as a supplier, to Commerce Energy, Inc. (Commerce). On March 1, 2017, Commerce filed a request that the Commission change the name on its license to provide electric generation services as a supplier to Just Energy Solutions Inc. d/b/a Just Energy (Just Energy).

Just Energy has provided the proper Pennsylvania Department of State documentation, as well as an update to their bond reflecting its new name. Furthermore, Just Energy has provided proof of service to the interested parties as required by the Commission.

Therefore, the Commission approves, by this Secretarial Letter, the change of Commerce Energy, Inc.'s name on its license for the provision of electric generation services as a supplier to Just Energy Solutions Inc. d/b/a Just Energy.

**The Secretary's Bureau will issue a new license to Just Energy Solutions Inc. d/b/a Just Energy the right to begin to offer, render, furnish, or supply electric generation services as a supplier to residential, small commercial (demand under 25 kW), large commercial (over 25 kW), industrial, and governmental customers in the electric distribution company service territory of PECO Energy Company, in the Commonwealth of Pennsylvania.**

If you have any questions in this matter, please contact Jeff McCracken of the Bureau of Technical Utility Services at [jmccracken@pa.gov](mailto:jmccracken@pa.gov) or 717-783-6163.

Sincerely,

Rosemary Chiavetta  
Secretary

LICENSE ENCLOSED

Cc: Karl Germick, Bureau of Technical Utility Services

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE APPLICATION OF: A-110117

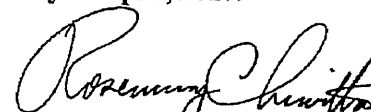
EFFECTIVE DATE: April 5, 2017

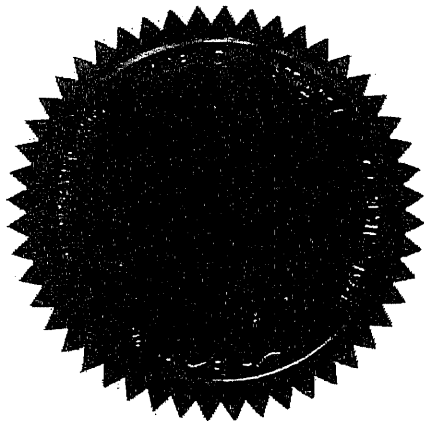
*The Application of Just Energy Solutions Inc. d/b/a Just Energy the right to begin to offer, render, furnish, or supply electric generation services as a supplier to residential, small commercial (demand under 25 kW), large commercial (over 25 kW), industrial, and governmental customers in the electric distribution company service territory of PECO Energy Company, in the Commonwealth of Pennsylvania.*

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues, evidencing the Commission's approval, to the applicant this:

## LICENSE FOR ELECTRIC GENERATION SUPPLIER.

In Witness Whereof, the PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 5<sup>th</sup> day of April, 2017.

  
Secretary





COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
400 NORTH STREET, HARRISBURG, PA 17120

April 5, 2017

Docket No. A-125138  
Utility Code: 125138

JOHN F POVILAITIS  
BUCHANAN INGERSOLL & ROONEY PC FOR  
JUST ENERGY SOLUTIONS INC D/B/A JUST ENERGY  
409 NORTH SECOND STREET SUITE 500  
HARRISBURG PA 17101-1357

Re: Natural Gas Supplier License

Dear Mr. Povilaitis:

On May 19, 2005, the Commission issued a natural gas supplier license, as a supplier, to Commerce Energy, Inc. (Commerce). On March 1, 2017, Commerce filed a request that the Commission change the name on its license to provide natural gas services as a supplier to Just Energy Solutions Inc. d/b/a Just Energy (Just Energy).

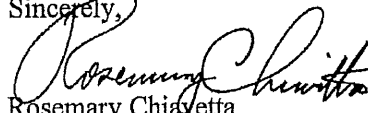
Just Energy has provided the proper Pennsylvania Department of State documentation. Furthermore, Just Energy has provided proof of service to the interested parties as required by the Commission.

Therefore, the Commission approves, by this Secretarial Letter, the change of Commerce Energy, Inc.'s name on its license for the provision of natural gas services as a supplier to Just Energy Solutions Inc. d/b/a Just Energy.

**The Secretary's Bureau will issue a new license to Just Energy Solutions Inc. d/b/a Just Energy the right to begin to offer, render, furnish, or supply natural gas services as a supplier to residential, small commercial (under 6,000 MCF annually), large commercial (6,000 MCF or more annually), industrial, and governmental customers in the natural gas distribution company service territory of PECO Energy Company, within the Commonwealth of Pennsylvania.**

If you have any questions in this matter, please contact Jeff McCracken of the Bureau of Technical Utility Services at [jmccracken@pa.gov](mailto:jmccracken@pa.gov) or 717-783-6163.

Sincerely,

  
Rosemary Chiavetta  
Secretary

**LICENSE ENCLOSED**

Cc: Karl Germick, Bureau of Technical Utility Services

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE APPLICATION OF: A-125138

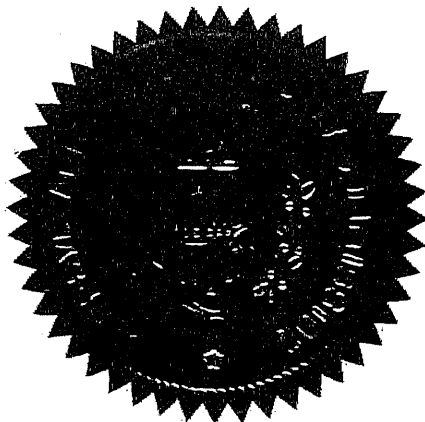
*The Application of Just Energy Solutions Inc. d/b/a Just Energy the right to begin to offer, render, furnish, or supply natural gas services as a supplier to residential, small commercial (under 6,000 MCF annually), large commercial (6,000 MCF or more annually), industrial, and governmental customers in the natural gas distribution company service territory of PECO Energy Company, within the Commonwealth of Pennsylvania.*

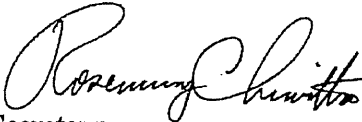
EFFECTIVE DATE: April 5, 2017

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues, evidencing the Commission's approval, to the applicant this:

## LICENSE FOR NATURAL GAS SUPPLIER.

In Witness Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 5<sup>th</sup> day, of April, 2017.



  
Secretary

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

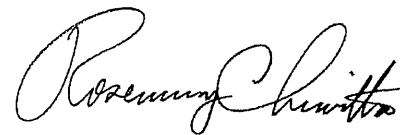
IN THE MATTER OF THE APPLICATION OF: A-2009-2098011

Application of Just Energy Pennsylvania Corp. to begin to offer, render, furnish or supply natural gas supply services as a supplier to residential, small commercial (less than 6000 MCF demand), large commercial (6000 MCF and over demand), industrial and governmental customers in the natural gas distribution company service territories of Columbia Gas of Pennsylvania, Inc., PECO Energy Company, National Fuel Gas Distribution Corp., UGI Utilities, Inc., UGI Penn Natural Gas, and UGI Central Penn Gas; subject to the conditions as previously stated in the Commission's Order, entered December 28, 2009, at this docket number, which will apply for a term of eighteen months from the date Just Energy Pennsylvania Corp. acquired its first customer in the Commonwealth of Pennsylvania.

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues, evidencing the Commission's approval, to the applicant this:

## LICENSE FOR NATURAL GAS SUPPLIER.

In Witness Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the City of Harrisburg this 10<sup>th</sup> day of January 2013.



Secretary

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE APPLICATION OF: A-2009-2097544

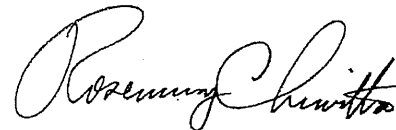
The Application of Just Energy Pennsylvania Corp. for approval to operate as an electric generation supplier and as a broker/marketer and aggregator engaged in the business of supplying electricity to residential, small commercial (25 kW and under) and large commercial (over 25 kW) customers in all electric distribution company service territories in the Commonwealth of Pennsylvania.

EFFECTIVE DATE: June 21, 2012

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues, evidencing the Commission's approval, to the applicant this:

## LICENSE FOR ELECTRIC GENERATION SUPPLIER.

In Witness Whereof, the PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 21<sup>st</sup> day of June 2012.



Secretary

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

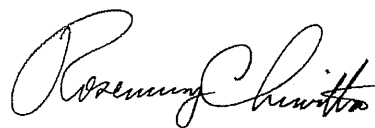
IN THE MATTER OF THE APPLICATION OF: A-2010-2192137

The Application of Hudson Energy Services LLC for approval to begin to offer, render, furnish or supply electricity or electric generation services to residential, small commercial, large commercial, industrial and governmental customers in electric distribution company service territories within the Commonwealth of Pennsylvania.

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues, evidencing the Commission's approval, to the applicant this:

**LICENSE FOR ELECTRIC GENERATION SUPPLIER.**

In Witness Whereof, the PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 11<sup>th</sup> day of February 2011.



Secretary

DOCKET NO. 34387

APPLICATION OF JUST ENERGY  
TEXAS, L.P. FOR AN AMENDMENT  
TO ITS RETAIL ELECTRIC  
PROVIDER (REP) CERTIFICATION

§  
§  
§  
§

PUBLIC UTILITY COMMISSION  
OF TEXAS

RECEIVED  
2007 JUL -2 PM 12:03  
FILING CLERK

**ORDER NO. 2  
GRANTING ADMINISTRATIVE APPROVAL**

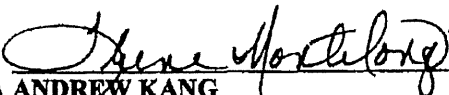
On June 6, 2007, Just Energy Texas, L.P. (the Applicant) filed an application for an amendment to its Retail Electric Provider (REP) Certification No. 10052. The Applicant requested to add additional trade names to its certificate and delete an existing name. The Applicant also requested to update its list of officers.

On June 27, 2007, 2004, Commission Staff (Staff) filed its recommendation for approval.

Based on Staff's recommendation, the application of Just Energy Texas, L.P. to amend its REP Certificate No. 10052 is approved.<sup>1</sup> Just Energy Texas, L.P.'s REP Certificate No. 10052 is amended to reflect the acquisition of all of the Applicant's partnership shares by Energy Savings Texas Corp. The Applicant's trade names are also revised to reflect Just Energy RGV, Energy Savings Group, U.S. Energy Savings Corp., and Energy Savings Texas Corp.

SIGNED AT AUSTIN, TEXAS the 2nd day of July 2007.

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
for **ANDREW KANG**  
**ADMINISTRATIVE LAW JUDGE**

q:\cadm\doCKET management\electric\rep\34xxx\34387-2.doc

<sup>1</sup> Administrative approval of this uncontested application has no precedential value in a future proceeding.



**Julie Parsley**  
Commissioner

**Paul Hudson**  
Chairman

**Barry T. Smitherman**  
Commissioner

**W. Lane Lanford**  
Executive Director



**Public Utility Commission of Texas**

RECEIVED  
2008 SEP 14 AM 11:16  
PUBLIC UTILITY COMMISSION  
FILING CLERK

TO: David Rosenberg  
Hudson Energy Services LLC  
545 Route 17 South  
Ridgewood, N.J. 07450

Electric Division  
Legal and Enforcement Division

RE: **Docket No. 30061 – Application of Hudson Energy Services, LLC for Retail Electric Provider (REP) Certification**

**NOTICE OF APPROVAL**

This Notice grants Hudson Energy Services, LLC (the Applicant) certification as a Retail Electric Provider (REP) in the geographic area of the entire State of Texas. The docket was processed in accordance with applicable statutes and Commission rules. The Commission provided notice of the application to interested parties. More than 15 days have passed since the completion of notice. No protests, motions to intervene, or requests for hearing were filed. The Applicant and the Commission Staff are the only parties to the proceeding. Commission Staff recommends approval of the application. The application is approved.

**Statutory Findings**

1. The application complies with PURA<sup>1</sup> § 39.352.
2. The Applicant has met the business name, office, and threshold residential service level requirements specified in subsection (e) of P.U.C. SUBST. R. 25.107.

<sup>1</sup> The Public Utility Regulatory Act, TEX. UTIL. CODE ANN. §§ 11.001 – 64.158 (Vernon 2000 & Supp. 2004) (PURA).

3. The Applicant is entitled to approval of this application, having demonstrated that it possesses the financial and technical resources to provide continuous and reliable electric service to its customers in the area for which certification is sought, and the managerial and technical ability to supply electricity at retail in accordance with customer contracts.
4. The Applicant has demonstrated that configuration of the proposed geographic area, if any, does not discriminate in the provision of electric service to any customer because of race, creed, color, national origin, or any other basis prohibited by law or P.U.C. SUBST. R. 25.107(h)(1).
5. The Applicant has demonstrated that it possesses the resources needed to meet the customer protection requirements, disclosure requirements, and marketing guidelines as specified in P.U.C. SUBST. R. 25.107(h).
6. The Applicant has demonstrated that it has ownership or lease of an office located within this state for the purpose of providing customer service, accepting service of process, and making available in that office books and records sufficient to establish the retail electric provider's compliance with the requirements of § 39.352(b)(4) of PURA.
7. The name(s) under which the Applicant has requested that the REP certificate be issued are not deceptive, misleading, vague, or otherwise contrary to P.U.C. SUBST. R. 25.272, or duplicative of a name previously approved for use by an existing REP certificate holder.
8. The Applicant has agreed to comply with P.U.C. SUBST. R. 25.107(f)(3), and P.U.C. SUBST. R. 25.108 relating to the billing and collection of transition charges.
9. The Applicant is financially qualified to be certified as a REP in Texas.

10. The Applicant has sworn and affirmed that it will register with or be certified by the ERCOT ISO or another independent organization, and will comply with the technical and managerial requirements of P.U.C. SUBST. R. 25.107 or that all entities with whom the Applicant has a contractual relationship to purchase power are registered with or certified by the independent organization and comply with all system rules and standards established by the independent organization, providing such proof of registration or certification after REP certification but at least 21 days before providing electric retail service to customers in Texas.
11. Commission Staff stated that the Applicant has met the requirements in P.U.C. SUBST. R. 25.107 to be certified as a REP in Texas, recommending that the application be approved.

#### **Complaint History**

12. The Commission's Customer Protection Division reported no complaints registered against the Applicant or its affiliates.

#### **Ordering Paragraphs**

1. The application of Hudson Energy Services, LLC for retail electric provider (REP) certification is approved.<sup>2</sup> Hudson Energy Services, LLC is granted REP Certificate No. 10092 for the geographic area of the entire State of Texas.

---


<sup>2</sup> Administrative approval of this uncontested application has no precedential value in a future proceeding.

2. The Applicant shall continuously maintain an office located within Texas for the purpose of providing customer service, accepting service of process, and making available in that office books and records sufficient to establish the REPs compliance with the requirements of PURA, and applicable Commission rules.
3. The Applicant shall notify the Commission within 30 days of any change in its office address, business address, telephone number(s) or contact information.
4. The Applicant shall file in Project No. 28765, an affidavit and documentation demonstrating compliance with P.U.C. SUBST. R. 25.107(f)(2) within 90 days of collecting its first deposit or advance payment. The Applicant shall also provide the address of its Texas office to the Commission before providing retail electric service to customers in Texas. In addition, at least 21 days prior to providing retail service, the Applicant shall provide certification of systems testing and information on QSE arrangements.
5. This certificate is not transferable without prior approval by the Commission and shall continue in force until further order of the Commission, pursuant to P.U.C. SUBST. R. 25.107.
6. This certificate shall not be construed to vest exclusive service or property rights in and to the area for which the certificate is granted pursuant to P.U.C. SUBST. R. 25.107.
7. The Applicant shall comply with all renewable energy portfolio standards in accordance with P.U.C. SUBST. R. 25.173.

8. The Applicant shall comply with any customer protection requirements, disclosure requirements, marketing guidelines and anti-discrimination rules adopted by the Commission pursuant to §§ 17.001 - 17.004 and Chapter 39 of PURA.
9. The Applicant shall comply with the threshold residential service requirements set forth in P.U.C. SUBST. R. 25.107(e)(3).
10. Pursuant to P.U.C. SUBST. R. 25.107(f)(2), the Applicant shall maintain records on an on-going basis for any deposits or advance payments received from customers. Financial obligations to customers shall be payable to them within 30 calendar days from the date the REP notifies the commission that it intends to withdraw its certification or is deemed by the commission not able to meet its current customer obligations. Customer obligations shall be settled before the REP withdraws its certificate or ceases doing business in Texas.
11. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.

SIGNED AT AUSTIN, TEXAS the 14<sup>th</sup> day of September 2004.

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
\_\_\_\_\_  
**MICHAEL E. FIELD**  
**DIRECTOR, DOCKET MANAGEMENT**  
**POLICY DEVELOPMENT DIVISION**



Control Number: 30061



Item Number: 10

Addendum StartPage: 0

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 21, 2011

CLERK'S OFFICE  
2011 APR 21 PM 3:17

APPLICATION OF

DOCUMENT CONTROL

COMMERCE ENERGY, INC

CASE NO. PUE-2011-00028

For a license to conduct business as  
a competitive service provider of  
natural gas and electric services

ORDER GRANTING LICENSES

On March 9, 2011, Commerce Energy, Inc. ("Commerce Energy" or "Company"), filed an application with the State Corporation Commission ("Commission") for a license to conduct business as a competitive service provider pursuant to §§ 56-235.8 F and 56-576 *et seq.* of the Code of Virginia ("Application"). The Company seeks authority to serve customers throughout the Commonwealth of Virginia where retail access and customer choices are available. The Company attested that it would abide by all applicable regulations as required by 20 VAC 5-312-40 B of the Commission's Rules Governing Retail Access to Competitive Energy Services ("Retail Access Rules").

On March 23, 2011, the Commission issued an Order for Notice and Comment establishing the case; requiring that notice of the application should be served upon appropriate persons; providing for the receipt of comments from the public; and requiring the Commission's Staff to analyze the reasonableness of the application and present its findings in a report ("Staff Report"). The Company filed its proof of service on March 29, 2011. No comments on Commerce Energy's application were received from the public.

The Staff Report was filed on April 11, 2011. The Staff Report summarized Commerce Energy's proposals and evaluated its financial condition and technical fitness. In its Report, Staff

recommended that Commerce Energy be granted a license to conduct business as a competitive service provider of competitive electricity and natural gas to commercial and industrial classes of customers within the Commonwealth of Virginia. Additionally, the Staff recommended that, if the Commission wishes to grant Commerce Energy's request to serve residential natural gas customers at this time, the Company should be required to give the Commission Staff thirty (30) days' advance notice before any marketing to residential customers is initiated in the Commonwealth. The Staff also recommended that, along with the letter of notice, the Company should be required to include examples of proposed mass marketing media, sample sales scripts or similar marketing information, as well as recent remediation steps taken to address compliance issues identified in the Staff Report. Finally, the Staff recommended that the Commission should administratively cancel License Nos. E-14A and G-22, as requested by the Company.

On April 14, 2011, Commerce filed its comments to the Staff Report wherein it stated that, although it has no current plans to market competitive natural gas services to residential customers in the Commonwealth, it will comply with the Staff's recommended notification procedures if it initiates marketing to residential customers in the Commonwealth. Commerce further respectfully requested that the Commission consider the recommendations offered by the Staff and supported by the Company.

NOW UPON CONSIDERATION of Commerce Energy's application, the Staff Report, and applicable law, the Commission finds that Commerce Energy's application for licenses to conduct business in the Commonwealth of Virginia as a competitive service provider for electricity and natural gas service should be granted, subject to the conditions set forth below.



Accordingly, IT IS ORDERED THAT:

(1) Commerce Energy, Inc.'s existing licenses, License Nos. E-14A and G-22, are hereby terminated.

(2) Commerce Energy, Inc., is hereby granted License No. E-26 to be a competitive service provider for electric service to commercial and industrial customers throughout the Commonwealth. This license to act as a competitive service provider for electric service is granted subject to the provisions of the Retail Access Rules, this Order, and other applicable laws.

(3) Commerce Energy, Inc., is hereby granted License No. G-30 to be a competitive service provider for natural gas service to residential, commercial, and industrial customers throughout the Commonwealth as the Commonwealth opens to retail access and customer choice. As a condition to this license to serve residential customers, Commerce Energy, Inc., shall notify the Staff at least thirty (30) days prior to marketing to residential customers and provide examples of proposed mass marketing media, sample sales scripts or similar marketing information, as well as an updated list of remediation steps taken to address compliance issues identified in the Staff Report. This license to act as a competitive service provider for natural gas service is granted subject to the provisions of the Retail Access Rules, this Order and other applicable laws.

(4) This license is not valid authority for the provision of any product or service not identified within the license itself.

(5) This case shall remain open for consideration of any subsequent amendments or modifications to the license.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to:

Commerce Energy, Inc., c/o Bridget L. Welborn, Esquire, Nolte Law Firm, P.C., 1427 West Main Street, Richmond, Virginia 23220-4629; Craig G. Goodman, President, National Energy Marketers Association, 3333 K Street, N.W., Suite 425, Washington, District of Columbia 20007; Irene Leech, Virginia Citizens Consumer Council, P.O. Box 12460, Richmond, Virginia 23219; C. Meade Browder, Jr., Esquire, Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; and a copy shall be delivered to the Commission's Office of General Counsel and Divisions of Economics and Finance and Energy Regulation.

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 21, 2011

CLERK'S OFFICE

2011 APR 21 PM 3:17

APPLICATION OF

DOCUMENT CONTROL

COMMERCE ENERGY, INC

CASE NO. PUE-2011-00028

For a license to conduct business as  
a competitive service provider of  
natural gas and electric services

ORDER GRANTING LICENSES

On March 9, 2011, Commerce Energy, Inc. ("Commerce Energy" or "Company"), filed an application with the State Corporation Commission ("Commission") for a license to conduct business as a competitive service provider pursuant to §§ 56-235.8 F and 56-576 *et seq.* of the Code of Virginia ("Application"). The Company seeks authority to serve customers throughout the Commonwealth of Virginia where retail access and customer choices are available. The Company attested that it would abide by all applicable regulations as required by 20 VAC 5-312-40 B of the Commission's Rules Governing Retail Access to Competitive Energy Services ("Retail Access Rules").

On March 23, 2011, the Commission issued an Order for Notice and Comment establishing the case; requiring that notice of the application should be served upon appropriate persons; providing for the receipt of comments from the public; and requiring the Commission's Staff to analyze the reasonableness of the application and present its findings in a report ("Staff Report"). The Company filed its proof of service on March 29, 2011. No comments on Commerce Energy's application were received from the public.

The Staff Report was filed on April 11, 2011. The Staff Report summarized Commerce Energy's proposals and evaluated its financial condition and technical fitness. In its Report, Staff

recommended that Commerce Energy be granted a license to conduct business as a competitive service provider of competitive electricity and natural gas to commercial and industrial classes of customers within the Commonwealth of Virginia. Additionally, the Staff recommended that, if the Commission wishes to grant Commerce Energy's request to serve residential natural gas customers at this time, the Company should be required to give the Commission Staff thirty (30) days' advance notice before any marketing to residential customers is initiated in the Commonwealth. The Staff also recommended that, along with the letter of notice, the Company should be required to include examples of proposed mass marketing media, sample sales scripts or similar marketing information, as well as recent remediation steps taken to address compliance issues identified in the Staff Report. Finally, the Staff recommended that the Commission should administratively cancel License Nos. E-14A and G-22, as requested by the Company.

On April 14, 2011, Commerce filed its comments to the Staff Report wherein it stated that, although it has no current plans to market competitive natural gas services to residential customers in the Commonwealth, it will comply with the Staff's recommended notification procedures if it initiates marketing to residential customers in the Commonwealth. Commerce further respectfully requested that the Commission consider the recommendations offered by the Staff and supported by the Company.

NOW UPON CONSIDERATION of Commerce Energy's application, the Staff Report, and applicable law, the Commission finds that Commerce Energy's application for licenses to conduct business in the Commonwealth of Virginia as a competitive service provider for electricity and natural gas service should be granted, subject to the conditions set forth below.

Accordingly, IT IS ORDERED THAT:

(1) Commerce Energy, Inc.'s existing licenses, License Nos. E-14A and G-22, are hereby terminated.

(2) Commerce Energy, Inc., is hereby granted License No. E-26 to be a competitive service provider for electric service to commercial and industrial customers throughout the Commonwealth. This license to act as a competitive service provider for electric service is granted subject to the provisions of the Retail Access Rules, this Order, and other applicable laws.

(3) Commerce Energy, Inc., is hereby granted License No. G-30 to be a competitive service provider for natural gas service to residential, commercial, and industrial customers throughout the Commonwealth as the Commonwealth opens to retail access and customer choice. As a condition to this license to serve residential customers, Commerce Energy, Inc., shall notify the Staff at least thirty (30) days prior to marketing to residential customers and provide examples of proposed mass marketing media, sample sales scripts or similar marketing information, as well as an updated list of remediation steps taken to address compliance issues identified in the Staff Report. This license to act as a competitive service provider for natural gas service is granted subject to the provisions of the Retail Access Rules, this Order and other applicable laws.

(4) This license is not valid authority for the provision of any product or service not identified within the license itself.

(5) This case shall remain open for consideration of any subsequent amendments or modifications to the license.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to:

Commerce Energy, Inc., c/o Bridget L. Welborn, Esquire, Nolte Law Firm, P.C., 1427 West Main Street, Richmond, Virginia 23220-4629; Craig G. Goodman, President, National Energy Marketers Association, 3333 K Street, N.W., Suite 425, Washington, District of Columbia 20007; Irene Leech, Virginia Citizens Consumer Council, P.O. Box 12460, Richmond, Virginia 23219; C. Meade Browder, Jr., Esquire, Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; and a copy shall be delivered to the Commission's Office of General Counsel and Divisions of Economics and Finance and Energy Regulation.

## **ATTACHMENT 5**

Appendix A

APPLICATION AFFIDAVIT

[Commonwealth/State] of Texas :

: ss.

County of Dallas  
Brent Moore

\_\_\_\_\_, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:  
Interactive Energy Group LLC  
[He/she is the President (Office of Affiant) of \_\_\_\_\_ (Name of Applicant).]

[That he/she is authorized to and does make this affidavit for said Applicant.]

That the Applicant herein Interactive Energy Group LLC has the burden of producing information and supporting documentation demonstrating its technical and financial fitness to be licensed as an electric generation supplier pursuant to 66 Pa. C.S. § 2809 (B).

That the Applicant herein Interactive Energy Group LLC has answered the questions on the application correctly, truthfully, and completely and provided supporting documentation as required.

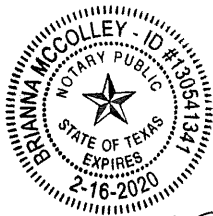
That the Applicant herein Interactive Energy Group LLC acknowledges that it is under a duty to update information provided in answer to questions on this application and contained in supporting documents.

That the Applicant herein Interactive Energy Group LLC acknowledges that it is under a duty to supplement information provided in answer to questions on this application and contained in supporting documents as requested by the Commission.

That the facts above set forth are true and correct to the best of his/her knowledge, information, and belief, and that he/she expects said Applicant to be able to prove the same at hearing.

[Signature]  
Signature of Affiant

Sworn and subscribed before me this 13 day of December, 2017.



[Signature]  
Signature of official administering oath

My commission expires 02/16/2020.

Approved  
By  
Legal

[Signature]



Appendix B

OPERATIONS AFFIDAVIT

[Commonwealth/State] of Texas :

: SS.

County of Dallas :

Brent Moore, Affiant, being duly [sworn/affirmed] according to law, deposes and says that:

[He/she is the President (Office of Affiant) of Interactive Energy Group LLC (Name of Applicant);]

[That he/she is authorized to and does make this affidavit for said Applicant;]

That Interactive Energy Group LLC, the Applicant herein, acknowledges that [Applicant] may have obligations pursuant to this Application consistent with the Public Utility Code of the Commonwealth of Pennsylvania, Title 66 of the Pennsylvania Consolidated Statutes; or with other applicable statutes or regulations including Emergency Orders which may be issued verbally or in writing during any emergency situations that may unexpectedly develop from time to time in the course of doing business in Pennsylvania.

That Interactive Energy Group LLC, the Applicant herein, asserts that [he/she/it] possesses the requisite technical, managerial, and financial fitness to render electric service within the Commonwealth of Pennsylvania and that the Applicant will abide by all applicable federal and state laws and regulations and by the decisions of the Pennsylvania Public Utility Commission.

That Interactive Energy Group LLC, the Applicant herein, certifies to the Commission that it is subject to , will pay, and in the past has paid, the full amount of taxes imposed by Articles II and XI of the Act of March 4, 1971 (P.L. 6, No. 2 ), known as the Tax Reform Act of 1971 and any tax imposed by Chapter 28 of Title 66. The Applicant acknowledges that failure to pay such taxes or otherwise comply with the taxation requirements of Chapter 28, shall be cause for the Commission to revoke the license of the Applicant. The Applicant acknowledges that it shall report to the Commission its jurisdictional Gross Receipts and power sales for ultimate consumption, for the previous year or as otherwise required by the Commission. The Applicant also acknowledges that it is subject to 66 Pa. C.S. §506 (relating to the inspection of facilities and records).

As provided by 66 Pa. C.S. §2810 (C)(6)(iv), Applicant, by filing of this application waives confidentiality with respect to its state tax information in the possession of the Department of Revenue, regardless of the source of the information, and shall consent to the Department of Revenue providing that information to the Pennsylvania Public Utility Commission.

Appendix B (Continued)

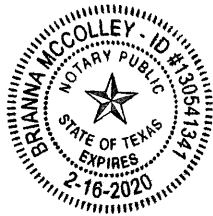
That Interactive Energy Group LLC, the Applicant herein, acknowledges that it has a statutory obligation to conform with 66 Pa. C.S. §506, §2807 (C), §2807(D)(2), §2809(B) and the standards and billing practices of 52 PA. Code Chapter 56.

That the Applicant agrees to provide all consumer education materials and information in a timely manner as requested by the Bureau of Public Liaison or other Commission bureaus. Materials and information requested may be analyzed by the Commission to meet obligations under applicable sections of the law.

That the facts above set forth are true and correct/true and correct to the best of his/her knowledge, information, and belief.

  
\_\_\_\_\_  
Signature of Affiant

Sworn and subscribed before me this 13 day of December, 2017.



  
\_\_\_\_\_  
Signature of official administering oath


My commission expires 02/16/2020.

Approved  
By  
Legal



**VERIFICATION**

I, Kristina Montgomery, Manager, Regulatory Affairs and Government Relations, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

  
\_\_\_\_\_

Dated: December 14, 2017

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Interactive Energy Group LLC Application :  
For Approval to Offer, Render, Furnish, or :  
Supply Electricity or Electric Generation : Docket No. A-2017-2635016  
Services as a Broker/Marketer to the Public :  
In the Commonwealth of Pennsylvania :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the foregoing Responses and all non-confidential Attachments of Interactive Energy Group LLC to the Commission Staff's Data Requests dated November 28, 2017, via First Class Mail in accordance with the requirements of 52 Pa. Code § 1.54 et seq., upon the following:

Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2 West  
Harrisburg, PA 17120

Office of the Attorney General  
Bureau of Consumer Protection  
Strawberry Square, 14th Floor  
Harrisburg, PA 17120

Office of Consumer Advocate  
5th Floor, Forum Place  
555 Walnut Street  
Harrisburg, PA 17120

Commonwealth of Pennsylvania  
Department of Revenue  
Bureau of Compliance  
Harrisburg, PA 17128-0946

Small Business Advocate  
Commerce Building, Suite 202  
300 North Second Street  
Harrisburg, PA 17101

Vice President – Energy Supply  
Corning Natural Gas Holding Corporation  
330 West William Street  
Corning, NY 14830

Legal Department  
West Penn Power d/b/a Allegheny Power  
800 Cabin Hill Drive  
Greensburg, PA 15601-1689

Manager Energy Acquisition  
PECO Energy Company  
2301 Market Street  
Philadelphia, PA 19101-8699

Regulatory Affairs  
Duquesne Light Company  
411 Seventh Street, MD 16-4  
Pittsburgh, PA 15219

Office of General Counsel  
Attn: Kimberly A. Klock  
PPL Electric Utilities Corporation  
Two North Ninth Street (GENTW3)  
Allentown, PA 18101-1179

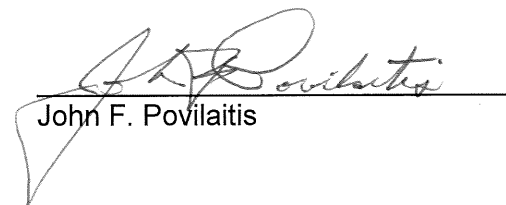
Legal Department  
FirstEnergy  
2800 Pottsville Pike  
Reading, PA 19612

Citizens' Electric Company  
Attn: EGS Coordination  
1775 Industrial Boulevard  
Lewisburg, PA 17837

UGI Utilities, Inc.  
Attn: Rates Dept. – Choice Coordinator  
2525 N. 12th Street, Suite 360  
Post Office Box 12677  
Reading, Pa 19612-2677

Wellsboro Electric Company  
Attn: EGS Coordination  
33 Austin Street  
P. O. Box 138  
Wellsboro, PA 16901

Date: December 28, 2017



John F. Povilaitis