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(631)724-9010
www.SouthBayEnergy.com

February 19, 2019

Commonwealth of Pennsylvania
Attn: Office of the Secretary
400 North Street, Keystone Building
Harrisburg, PA 17105

RECEIVED

FEB 20 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

A-2019-3007847

Re: South Bay Energy Corp. Supplementary Submission (EGS)

Greetings:

South Bay Energy Corp. hereby submits the following supplementary materials to become an Electric Generation Supplier:

- Tax Certification Statement
 - Revenue ID Number: 1001348715
- Illinois licenses.
- Corrected Application Affidavit.

Thank you for your help and feedback. Please feel free to contact South Bay with any questions regarding this submission.

Respectfully Submitted,

Brittany Hirson
Operations
South Bay Energy Corp.

Appendix A

APPLICATION AFFIDAVIT

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

[Commonwealth/State] of New York :

ss.

County of Suffolk :

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

[He/she is the President (Office of Affiant) of South Bay Energy Corp. (Name of Applicant);]

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

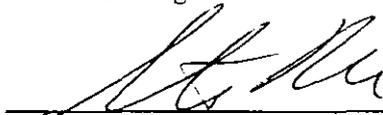
That the Applicant herein South Bay Energy Corp. has the burden of producing information and supporting documentation demonstrating its technical and financial fitness to be licensed as a natural gas supplier pursuant to 66 Pa. C.S. § 2208 (c)(1).

That the Applicant herein South Bay Energy Corp. has answered the questions on the application correctly, truthfully, and completely and provided supporting documentation as required.

That the Applicant herein South Bay Energy Corp. 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 South Bay Energy Corp. 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 of Affiant

Sworn and subscribed before me this 20th day of Feb, 2019.



Signature of official administering oath

My commission expires 5/24/20

CAROL L. WILSON
Notary Public, State of New York
No. 01W6109862
Qualified in Suffolk County
Commission Expires May 24, 2020

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

South Bay Energy Corp. :
: :
Application for Certificate of Service : 17-0299
Authority under Section 16-115 of the :
Public Utilities Act. :

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

ORDER

By the Commission:

I. PRELIMINARY MATTERS

On June 22, 2017, South Bay Energy Corp. ("Applicant") filed a verified application with the Illinois Commerce Commission ("Commission") requesting a certificate of service authority to operate as an alternative retail electric supplier ("ARES") in Illinois pursuant to Section 16-115 of the Public Utilities Act ("Act"), 220 ILCS 5/1-101 *et seq.*, and 83 Ill. Adm. Code 451 ("Part 451"). Applicant submitted its certificate of publication showing that on June 30, 2017, notice of the application was published in the official State newspaper. The Commission Staff requested further information of certain matters in the application. On July 11, 2017, Applicant filed an Amended Application with the additional information and a Motion for Confidential Treatment.

II. BACKGROUND AND AUTHORITY SOUGHT BY APPLICANT

Applicant is a New York corporation authorized to transact business in Illinois. Applicant requests a certificate of authority to operate as an ARES. Applicant seeks a certificate to serve all eligible retail customers in the Commonwealth Edison Company service territory. Applicant is currently licensed as an ARES in New York. Applicant states it is not affiliated with any utility and does not own transmission or generation facilities. Applicant does not seek authority to provide single-billing services, under subpart F of Part 451.

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

A. General

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; and that it will comply with all other applicable Federal, State, regional and industry 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 certifies that it will provide for review by Commission Staff on a confidential basis data related to contracts for the purchase and sale of electric power and energy. 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 asserts it has not been denied an electric supplier license, nor has it had an electric supplier license suspended or revoked by any state.

Applicant certifies it will procure renewable energy resources as required by Section 16-115D and subsection (d) of Section 16-115 of the Act. Applicant also certifies that it will source electricity from clean coal facilities as required by Section 16-116(d)(5) of the Act. Applicant states that it will not use electric generation, transmission or distribution facilities that it owns, controls or operates in serving customers.

Pursuant to the requirements of Subpart D of Part 451, 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 will 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 small commercial retail customers and before executing any agreements or contracts with such

customers. Applicant certifies that it will also provide consumer education program materials pursuant to Section 16-117 of the Act, at no charge to small commercial retail customers, upon request. Applicant certifies that it will provide to small commercial retail customers on a semi-annual basis information on how to obtain a list of alternative retail electric suppliers that have been found in the last three 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 issued by a qualifying surety authorized to transact business in Illinois.

B. Financial, Technical, and Managerial Requirements

Applicant asserts that it meets the financial qualifications criteria set forth in Part 451.320(a). Included in Attachment D to the Amended Application is information intended to demonstrate that Applicant meets the criteria.

Applicant represents that it meets the technical and managerial qualifications set forth in Section 16-115(d)(1) of the Act and Sections 451.330 and 451.340 of Part 451. The Amended Application and Attachment E contains information regarding the technical and managerial qualifications of Applicant's staff and its agents or contractors. Attachment F to the Amended Application includes a corporate organizational chart. Applicant provided a telephone number and facsimile number through which it states a staff member can be reached at all times.

Applicant states it is relying on one or more agents or contractors to meet the technical and managerial requirements of Part 451 and includes this information in Attachments E, F and G.

IV. CUSTOMER COMPLAINTS

Applicant discloses that it is not the subject of any lawsuits that were filed in a court of law. Applicant further states that it has no other formal complaints filed with a regulatory agency alleging fraud, deception or unfair marketing practices, or other similar allegations.

V. REQUEST FOR CONFIDENTIAL TREATMENT

Application seeks confidential treatment of certain redacted information filed in attachments with the Amended Application. Applicant indicates that these documents contain highly proprietary and confidential commercial and financial information, the disclosure of which to competitors would likely be detrimental to Petitioner given the highly competitive nature of the electric industry. The Commission has reviewed the request for confidential treatment and finds that it is appropriate to grant a two-year period of confidential treatment for the redacted information in the attachments to the Application.

The Commission concurs with Applicant that disclosure of the redacted information and use by a competitor is apt to cause the Applicant competitive harm. Applicant's confidential information in the Commission's possession should, therefore, be accessible only by the Commission and Commission Staff, unless such information is or becomes publicly available from another source.

VI. COMMISSION CONCLUSION AND CERTIFICATE OF SERVICE AUTHORITY

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

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

CERTIFICATE OF SERVICE AUTHORITY

IT IS CERTIFIED that South Bay Energy Corp. 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 retail customers.

GEOGRAPHIC REGION(S) SERVED: For the sale of electricity and power in the service area of Commonwealth Edison Company.

VII. FINDINGS AND ORDERING PARAGRAPHS

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

- (1) Applicant, South Bay Energy Corp., a corporation organized under the laws of New York, seeks a certificate of service authority to operate as an alternative retail electric supplier under Section 16-115 of the Act;
- (2) the Commission has jurisdiction over the parties hereto and the subject matter hereof;

- (3) the recitals of fact and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact, as required by Section 16-115(d) of the Act;
- (4) Applicant has demonstrated that it possesses sufficient financial, managerial and technical resources and abilities to provide power and energy to all eligible retail customers throughout the service area of Commonwealth Edison Company;
- (5) Applicant has complied with Section 16-115(d)(1) through (5) and (8) of the Act and 83 Ill. Adm. Code 451;
- (6) Section 7(g) of the Illinois Freedom of Information Act (5/ILCS 140/7) exempts from public disclosure:

Trade secrets and commercial or financial information obtained from a person or business where such trade secrets or information are proprietary, privileged or confidential, or where disclosure of such trade secrets or information may cause competitive harm;
- (7) Applicant's redacted information falls within the exemption stated in Finding (6);
- (8) The documents and portions of documents for which Applicant seeks proprietary treatment should be exempt from public disclosure under Section 7(g) of the Freedom of Information Act and Section 5-109 of the Act for a period of two years from the date this Order is entered; and
- (9) South Bay Energy Corp. should be granted a certificate of service authority to operate as an alternative retail electric supplier as specified in Section VI of this Order.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that South Bay Energy Corp. is hereby granted a Certificate of Service Authority as set forth in Section VI of this Order.

IT IS FURTHER ORDERED by the Illinois Commerce Commission that the information specified in Finding (8) above shall be afforded proprietary treatment, is exempt from public disclosure and will be accessible only by the Commission and Commission Staff for a period of two years from the date of this Order.

IT IS FURTHER ORDERED that South Bay Energy 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 10-113 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 15th day of August, 2017.

(SIGNED) BRIEN SHEAHAN

Chairman

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

South Bay Energy Corp.	:	
	:	
Application for Certificate of Service	:	17-0300
Authority under Section 19-110 of	:	
the Public Utilities Act.	:	

ORDER

By the Commission:

I. PROCEDURAL HISTORY

On June 22, 2017, South Bay Energy Corp. ("Applicant") filed a verified application with the Illinois Commerce Commission ("Commission") requesting a certificate of service authority as 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").

Applicant submitted its certificate of publication showing that on June 30, 2017, notice of the application was published in the official State newspaper. The Commission Staff requested further information of certain matters in the application. On July 11, 2017, Applicant filed an amended application with the additional information and a Motion for Confidential Treatment.

II. STATUTORY AUTHORITY

Statutory provisions applicable to the certification of alternative gas suppliers are set forth in Section 19-110 of the Act. Subsection 19-110(a) provides in part that Section 19-110 applies only to alternative gas suppliers serving or seeking to serve residential or small commercial customers. Provisions relating to the AGS application process are contained in Subsections (b), (c), (d) and (e). Among other things, the applicant must identify the areas to be served and types of service to be offered, and demonstrate sufficient technical, financial and managerial fitness to provide the proposed services. Generally speaking, the Commission is required to enter an order within 45 days after publication of a "properly filed" application.

Commission rules for certification of alternative gas suppliers are set forth in Part 551. Procedures and requirements pertaining to the application process are contained in Sections 551.20 through 551.110. Procedures for reporting continuing compliance are set out in Sections 551.120 through 551.170.

III. DESCRIPTION OF THE APPLICANT AND OF THE PROPOSED AGS SERVICES

Applicant is a corporation organized and existing under the laws of New York. Applicant provided documentation from the Office of the Secretary of State, State of Illinois, demonstrating that Applicant is licensed to transact business in the State of Illinois. Applicant is an energy retailer in New York and currently has an application pending in New Jersey. Applicant markets and sells primarily through network marketing. Applicant is not affiliated with any utility.

Applicant states that it seeks to be authorized to offer residential and commercial services in the service territories of Northern Illinois Gas Company d/b/a Nicor Gas Company, The Peoples Gas Light and Coke Company, and North Shore Gas Company.

IV. AGS REQUIREMENTS AND OBLIGATIONS

Pursuant to Section 551.20(a), an AGS must certify that it will comply with all Federal, State, regional and industry rules practices, policies, procedures, and tariffs for the use, operation, maintenance, safety, integrity, and reliability of the interstate natural gas system and that it will submit good faith schedules of natural gas deliveries in accordance with applicable tariffs. Applicant certifies that it will comply with all applicable terms and conditions required by Section 19-115 of the Act. Applicant asserts it will serve customers who 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 pursuant to Section 551.20.

Applicant indicates it has not been denied a natural gas license in any state in the United States. Applicant indicates it has not had a natural gas supplier license suspended or revoked by any state in the United States.

In accordance with Section 551.40, Applicant 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 after the calendar year in which they were created. In addition, Applicant agrees to confidential treatment of customer data.

Applicant certifies that all 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 residential or commercial customer. Applicant agrees that before any commercial customer is switched from another supplier, the Applicant will 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 certifies that it will provide to the residential customer accurate, timely, and itemized billing statements that describe the products and services provided to the customer and their prices and that specify the gas consumption amount and any service charges and taxes; and an additional statement, at least annually, that adequately discloses the average monthly prices, and the terms and conditions, of the products and services sold to the residential customer.

Applicant certifies it will provide refunds of any deposits with interest, at a rate set by the Commission which shall be the same as that required of gas utilities, within 30 days after the date that the commercial customer changes gas suppliers or discontinues service if the customer has satisfied all of its outstanding financial obligations to the alternative gas supplier. Applicant also agrees to provide timely refunds of any undisputed overpayments upon oral or written request of the commercial customer.

Applicant states that it will file procedures with the Commission addressing the manner in which any disputed amount for which a residential or commercial customer is billed may be resolved in compliance with Section 551.70(b)(6). Applicant states that while the dispute is pending, the customer shall pay the undisputed portion of the bill or an amount equal to last year's bill at the same location for the same period, normalized for weather, whichever is greater. Applicant affirms that any disputed amount in excess of last year's bill for the same address adjusted for weather shall not be included in the amount that must be paid by the due date. Applicant also agrees to inform its customers how to contact the Commission's Consumer Services Division to pursue an unresolved dispute. Applicant states that its billing statements include a toll-free number and other means by which a customer may contact it with inquiries or complaints. Finally, Applicant agrees to inform its commercial and residential customers how to contact the Commission to obtain consumer education materials provided pursuant to Section 19-125 of the Act.

Applicant asserts that it has obtained a license or permit bond as required by Section 551.50. A copy of Applicant's license or permit bond is attached to its application as Attachment D. Applicant also provides information indicating that it meets the financial criteria pursuant to Section 551.80 in Attachment E. Applicant further submitted information in Attachment F of Applicant's technical and managerial qualifications pursuant to Sections 551.90 and 551.100, respectively.

V. CUSTOMER COMPLAINTS

Applicant discloses that it is not the subject of any lawsuits filed in a court of law or formal complaints filed with a regulatory agency alleging fraud, deception or unfair marketing practices, or other similar allegations.

VI. COMMISSION ANALYSIS AND CONCLUSION

The Commission has reviewed the verified amended application along with all attachments. The Commission finds that the amended application is in order and satisfies the requirements of the Act and Part 551. Applicant has demonstrated that it possesses

sufficient financial, technical, and managerial resources and abilities to provide the sale of natural gas service to eligible customers. The Commission concludes, therefore, that the request for certification as an AGS should be granted as set forth in the first ordering paragraph below.

The Commission notes that Applicant further seeks confidential treatment of certain information contained in Attachment H to its amended application. Applicant indicates that these documents contain highly proprietary and confidential commercial and financial information, the disclosure of which to competitors would likely be detrimental to Applicant given the highly competitive nature of the gas industry. The Commission has reviewed the request for confidential treatment and finds that it is appropriate to grant a two-year period of confidential treatment for the redacted information. Applicant's confidential information in the Commission's possession should, therefore, be accessible only by the Commission and Commission Staff, unless such information is or becomes publicly available from another source.

VII. FINDINGS AND ORDERING PARAGRAPHS

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

- (1) Applicant, South Bay Energy Corp., is a corporation organized and existing under the laws of New York, is licensed to do business in the State of Illinois, and seeks authority to operate as an AGS under Section 19-110 of the Act;
- (2) the Commission has jurisdiction over South Bay Energy Corp. 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, South Bay Energy Corp. possesses sufficient technical, financial, and managerial resources and abilities to provide natural gas service to eligible customers throughout the areas certificated herein;
- (5) South Bay Energy Corp. shall comply with Section 19-110(e)(2), (3), and (5) of the Act;
- (6) Section 7(1)(g) of the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.*, exempts from disclosure:

Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary,

privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested;

- (7) the redacted information identified by South Bay Energy Corp. falls within the exemption stated in Finding (6);
- (8) the documents and portions of documents for which South Bay Energy Corp. seeks proprietary treatment should be exempt from public disclosure under Section 7(1)(g) of the Freedom of Information Act and Section 5-109 of the Act for a period of two years from the date this Order is entered; and
- (9) South Bay Energy Corp. should be granted a Certificate of Service Authority as set out below, and shall thereafter comply with all applicable Commission rules and orders and any applicable amendments thereto.

IT IS THEREFORE ORDERED by the Commission that subject to the conditions set forth herein, South Bay Energy Corp. is hereby granted a Certificate of Service Authority as an alternative gas supplier, and that this Certificate shall read as follows:

CERTIFICATE OF SERVICE AUTHORITY

IT IS CERTIFIED that South Bay Energy Corp. is granted service authority to operate as an Alternative Gas Supplier as follows:

SERVICE TO BE PROVIDED: The sale of natural gas.

CUSTOMERS AND GEOGRAPHIC REGIONS SERVED: All eligible residential and commercial customers in the service areas of Northern Illinois Gas Company d/b/a Nicor Gas Company, The Peoples Gas Light and Coke Company, and North Shore Gas Company.

IT IS FURTHER ORDERED that South Bay Energy Corp. shall comply with all applicable Commission rules and orders now in effect and as hereafter amended.

IT IS FURTHER ORDERED that the documents filed by South Bay Energy Corp. and identified above are afforded proprietary treatment and are exempt from public disclosure and will be accessible only by the Commission and Commission Staff until two years from the date of this Order.

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.

17-0300

By Order of the Commission this 15th day of August, 2017.

(SIGNED) BRIEN SHEAHAN

Chairman

VERIFICATION

Stephen Mellis

I, (YOUR NAME), hereby state that the facts above set forth are true and correct (or 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).

(SIGN AND DATE) 2/19/19



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Label 228, March 2016

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