# ORDER

By the Commission:

## I. Preliminary Matters

On February 28, 2008, Juice Energy, Inc. ("Applicant" or "Juice") 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 March 1, 2008, proper notice of the application was published in the official State newspaper. On March 12, 2008, the Administrative Law Judge requested clarification of certain matters contained in the application. Applicant filed a verified response to the Administrative Law Judge’s ruling on March 18, 2008.

Applicant also filed a motion for emergency relief to protect from disclosure, for not less than five years, information included in its application that it asserts is highly confidential and proprietary.

## II. BACKGROUND AND AUTHORITY SOUGHT BY APPLICANT

In this proceeding, Applicant seeks authority to sell electricity and power to nonresidential customers with annual electrical consumption greater than 15,000 kilowatt-hours ("kWh") in the service area of Commonwealth Edison Company ("ComEd").

## III. Requirements for All Applicants under Section 16-115(d) OF THE ACT

Applicant is a corporation organized under the laws of Delaware. 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 competitive retail electric provider that combines electricity risk management with greenhouse gas solutions for commercial and industrial customers. Applicant is currently certified as a competitive retail electric provider in New York and Texas.

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.

Pursuant to the requirements of Section 451.50 of Part 451, Applicant provided a License or Permit Bond in the amount of $150,000 issued by a qualifying surety authorized to transact business in Illinois. Attachment C-1 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) of the Act. For purposes of compliance with the provisions of Section 451.220(a)(4), Applicant provided as Attachment C-2 to its application a copy of an irrevocable Letter of Credit issued by Bank of America Corporation. Pursuant to Ill. Adm. Code 451.220(a)(4)(C)(iii), Applicant’s letter of credit is equal to more than the product of 1080 times an estimate of the maximum number of megawatts Juice expects to schedule over the next twelve months times the average of the 45 highest daily market prices of electric energy traded during 2007. Applicant certifies that it will update its letter of credit before it exceeds its good faith estimate. Applicant provided the Fitch, Moody’s and Standard & Poor’s long-term obligation ratings of Bank of America Corporation in
Attachment C-3 to its application.

Applicant represents that it meets the technical and managerial qualifications set forth in Section 16-115(d)(1) of the Act and Sections 451.230 and 451.240 of Part 451. Applicant identified the personnel who purportedly satisfy the criteria and provided biographical information for these individuals. Applicant indicates that it maintains a scheduling facility with 24-hour manned operation for coordination with control centers of scheduling changes, reserve implementation, curtailment orders, and interruption plan implementation.

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. COMMISSION CONCLUSION AND CERTIFICATE OF SERVICE AUTHORITY

Applicant has requested confidential and proprietary treatment of Attachments “C-2,” “C-4,” and “E” to the application. Section 451.60 provides that if an applicant or ARES believes any of the information to be disclosed by an applicant or ARES is privileged or confidential, the applicant or ARES should request that the Commission enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies pursuant to 83 Ill. Adm. Code 200.430. Section 7(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 such trade secrets or information are proprietary, privileged or confidential, or where disclosure of such trade secrets or information may cause competitive harm;

It appears to the Commission that Attachments “C-2,” “C-4,” and “E” to the application filed by Juice should be exempt from public disclosure for a period of not less than five years.

The Commission has reviewed the application and attachments along with the supplementary information provided by Applicant regarding the technical, financial, and managerial requirements and all other requirements of the Act and Part 451 and finds that the Applicant sufficiently demonstrates compliance with the requirements.
The Commission concludes, therefore, that 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 Juice 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 nonresidential retail customers with annual electrical consumption greater than 15,000 kWh.

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

VI. FINDINGS AND ORDERING PARAGRAPHS

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

1) Applicant, Juice Energy, Inc., a business organized under the laws of Delaware and authorized to do business in Illinois, seeks authority to become an ARES under Section 16-115 of the Act;

1) the Commission has jurisdiction over the parties hereto and the subject matter hereof;

1) 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;

2) Applicant has demonstrated that it possesses sufficient technical, financial, and managerial resources and abilities to provide power and energy to eligible nonresidential retail customers with annual electric consumption greater than 15,000 kWh throughout the areas certified herein;

1) Applicant has complied with Section 16-115(d)(1) through (4) and (8) of the Act
and 83 Ill. Adm. Code 451;

1) Juice Energy, Inc. should be granted a certificate of service authority to operate as an alternative retail electric supplier in those service areas identified in Section V of this Order; and

2) that Attachments “C-2,” “C-4,” and "E" to the application filed by Applicant should be afforded confidential and proprietary treatment for a period of not less than five years.

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

IT IS FURTHER ORDERED that Attachments “C-2,” “C-4,” and "E" to the application are afforded proprietary treatment and are exempt from public disclosure and will be accessible only by the Commission and the Commission Staff for a period of five years from the date this Order is entered.

IT IS FURTHER ORDERED that Juice Energy, Inc. 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 9th day of April, 2008.

(SIGNED) CHARLES E. BOX

Chairman