STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission : On Its Own Motion : -vs- :
Nextility, Inc. : 19-0617 :

Citation for failure to maintain corporate status.

ORDER

By the Commission:

On May 30, 2019, the Illinois Commerce Commission ("Commission") entered an Order initiating the instant proceeding against Nextility, Inc. ("Respondent") because the Illinois Secretary of State revoked the authority of Respondent to transact business in the State of Illinois on March 11, 2016 for failure to file an annual report and pay an annual franchise tax. Respondent received a Certificate of Service Authority to operate as an agent, broker, and consultant ("ABC") for the procurement or sale of retail electricity supply to third parties in the State of Illinois pursuant to 83 Ill. Adm. Code 454 and Section 16-115C of the Public Utilities Act ("Act") in Docket No. 15-0022 on February 11, 2015.

The Commission instituted this proceeding pursuant to Section 4-204 of the Act, as in effect at the time of revocation, which stated:

Whenever the Commission receives notice from the Secretary of State that any domestic or foreign corporation regulated under this Act has not paid a franchise tax, license fee or penalty required under The Business Corporation Act of 1983, approved January 5, 1984, as amended, then the Commission shall institute proceedings for the revocation of the franchise, license, permit or right to engage in any business required under this Act or the suspension thereof until such time as the delinquent franchise tax, license fee or penalty is paid.

Source: P.A. 84-617; as in effect from January 1, 1986 through August 12, 2018.

The Citation Order directed Respondent to appear at the offices of the Commission in Chicago, Illinois at a specified time and date, to show cause why the Commission should not revoke or suspend its license or take other action. Pursuant to notice as required by law and the rules and regulations of the Commission, a duly authorized Administrative Law Judge ("ALJ") held a hearing in this matter at the Commission’s offices in Chicago, Illinois on July 2, 2019. Respondent failed to appear. Counsel for
Commission Staff appeared and recommended that Respondent’s Certificate of Service Authority be revoked. At the conclusion of the hearing, the record was marked “Heard and Taken.”

The ALJ served a Proposed Order on September 20, 2019. No briefs on exceptions were filed.

The Commission, having considered the entire record herein and being fully advised in the premises, is of the opinion and finds that:

(1) Respondent was granted a license to operate as an ABC pursuant to 83 Ill. Adm. Code 454 and Section 16-115C of the Act;

(2) the Commission has jurisdiction over Respondent and the subject matter herein;

(3) the Secretary of State has revoked the authority of Respondent to transact business in the State of Illinois; and

(4) Respondent’s Certificate of Service Authority to operate as an ABC should be revoked.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Certificate of Service Authority granted to Nextility, Inc. in Docket No. 15-0022 is hereby revoked.

IT IS FURTHER ORDERED that resolution of this citation proceeding does not relieve Nextility, Inc. from the requirements of the Public Utilities Act to file reports or to pay any penalty for failure to do so.

IT IS FURTHER ORDERED that pursuant to Section 10-113(a) of the Public Utilities Act and 83 Ill. Adm. Code 200.880, any application for rehearing shall be filed within 30 days after service of the Order on the party.

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 14th day of November, 2019.

(SIGNED) CARRIE ZALEWSKI

Chairman