

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of)	
COMMERCE ENERGY, INC.,)	Case No. U-13203
for a license as an alternative electric supplier.)	
_____)	

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.

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).¹

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.

¹*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