**Section 460.100 Financial Qualifications**

An applicant that meets and maintains all of the financial requirements described in this Section will be deemed to have sufficient financial resources to provide metering services to electric customers taking service under a utility's delivery services tariffs in the State of Illinois.

a) Creditworthiness

1) The applicant provides a copy of a Dun & Bradstreet Business Information Report that demonstrates, at a minimum, that the applicant has a Composite Credit Appraisal of "3" or lower and a PAYDEX score of "70" or higher. At the time of application for certification, the report shall be no more than 30 days old.

2) If the applicant does not have a Dun & Bradstreet Composite Credit Appraisal, the applicant provides a copy of an Experian Small Business Intelliscore report that demonstrates, at a minimum, that the applicant has an Intelliscore of "63" or higher. At the time of application for certification, the report shall be no more than 30 days old.

b) Insurance

1) The applicant carries commercial general liability insurance, including Bodily Injury and Property Damage coverage. This insurance coverage shall be for a minimum of $5 million per occurrence with an annual aggregate limit of not less than $5 million. The policy shall provide insurance against third-party injury, including death, and third-party property damage; including, without limitation, injury to any customer and the employees and agents of the customer and of the DSP, and damage to the property of the customer and the DSP, caused by any act or omission of the MSP or of its employees, contractors, or other agents, in the conduct of the MSP's business. The policy shall recognize claims brought against the MSP by its customers, and the entity supplying electricity to the customer and the DSP. The insurance policy shall be valid for a period of not less than one year. The foregoing coverages shall be primary and shall not require contribution. The applicant or MSP may provide the coverages through the use of a primary liability policy or through a combination of primary liability and umbrella liability policies. However, the total limits of liability shall not be less than the limits set forth in this subsection (b)(1).

A) The applicant shall provide a certificate of insurance to the Chief Clerk of the Commission and the Manager of the Financial Analysis Division or its successor as part of its application for certification. If the applicant or MSP renews or makes changes in its insurance coverage, the insurance coverage must be continuous and without interruption. The certificate of insurance and the insurance policies shall contain a provision that coverage afforded under the policies shall not be cancelled, allowed to expire, or subjected to reduction in the limits in any manner unless at least 30 days prior written notice (10 days notice in the case of nonpayment of premium) has been given to the Commission.

B) All insurance coverage required by this Section shall be provided by insurance companies having ratings of A- or better and financial sizes of VII or larger in the latest edition of Best's Key Rating Insurance Guide that is in effect as of the issuance date of the certificate of insurance.

2) Self-Insurance. The applicant may self-insure its liability exposure if it is authorized by the Illinois Industrial Commission to provide self-insurance for its obligations under the Workers' Compensation Act [820 ILCS 305]. As part of its application for certification, the applicant shall provide a copy of its Self-Insurance Certificate of Approval under Section 4 of the Workers' Compensation Act or the related rules (50 Ill. Adm. Code 7100.70). If the applicant is required to furnish security, indemnity, bond, or other provision for securing its workers' compensation obligations, then it shall be required to provide an unconditional guarantee, surety bond or standby letter of credit, or establish an escrow account to cover liability obligations that may be caused by any act or omission of the MSP or of its employees, contractors, or other agents, in the conduct of the MSP's business. The unconditional guarantee, surety bond, or standby letter of credit shall be issued in an amount of $5 million and be valid for a period of not less than one year.

A) Unconditional Guarantee. The guarantor shall be an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, P-2 or higher from Moody's Investor Service or its successor, D-2 or higher from Duff & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investor Service or its successor, BBB- or higher from Duff & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the rating agency reports that present the ratings of the affiliate that is the guarantor, and the unconditional guarantee.

B) Surety Bond. The surety bond or surety bonds shall be issued by a surety authorized to transact business in the State of Illinois. The surety company issuing the bond shall, at a minimum, be a qualifying surety. The applicant shall provide a copy of the surety bonds and the authorization for the surety to transact business in the State of Illinois.

C) Standby Letter of Credit. The standby letter of credit shall be irrevocable and issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investors Service or its successor, A- or higher from Duff & Phelps or its successor, or A- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the standby letter of credit and the ratings agency report that presents the long-term obligation rating of the financial institution extending the credit.

D) Escrow Account. Deposits under escrow agreements shall be cash, negotiable United States government bonds, or negotiable general obligation bonds of the State of Illinois. Such cash or bonds shall be deposited in escrow with any State or national bank or trust company having trust authority in the State of Illinois. Securities used to fund an escrow account shall have at all times a market value at least equal to $5 million, the minimum amount of commercial general liability insurance required under subsection (b)(1). The applicant shall provide the name and business address of the escrow agent, the authorization giving the escrow agent trust authority in the State of Illinois, and a copy of a statement from the escrow agent detailing the type and amount of funds deposited in the escrow account.