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SOAH DOCKET NO. 473-12-5530  
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NOTICE OF VIOLATION OF PURA § § PUBLIC UTILITY COMMISSION  
39.352, FORMER P.U.C. SUBST. R. §  
25.107(g)(9)(A), 25.107(g)(9)(B) and § OF TEXAS  
25.107(j)(1), and CURRENT P.U.C. §  
SUBST. R. 25.474, 25.475, 25.479, 25.480 §  
AND 25.483, RELATED TO CUSTOMER §  
PROTECTION RULES FOR RETAIL §  
ELECTRIC SERVICE BY GLACIAL §  
ENERGY OF TEXAS, INC. §

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**AGREED MODIFICATION EXTENDING DEADLINE  
TO FILE MOTIONS TO COMPEL**

COMES now, the Staff (“Staff”) of the Public Utility Commission of Texas (“Commission”), on behalf of the public interest, and Glacial Energy of Texas, Inc. (“Glacial”) and jointly file this Agreed Modification Extending the Deadline to File Motions to Compel pursuant to P.U.C. PROC. R. 22.144(k). In support, Staff and Glacial (“the Parties”) offer the following:

**I. Introduction**

The Parties have each propounded their First Requests for Information in this matter.<sup>1</sup> These requests were filed on August 3, 2012, thus the Parties each have outstanding discovery responses due on August 23, 2012.<sup>2</sup> Pursuant to P.U.C. PROC. R. 22.144(d), objections must be filed to the discovery requests no later than August 13, 2012. A motion to compel discovery shall be filed no later than five working days after the objection is filed.<sup>3</sup> Failure to file a motion to compel will be construed as an indication that the parties have resolved their dispute.<sup>4</sup> Thus, a motion to compel discovery must be filed by August 20, 2012 regarding any remaining disputes unless the Parties agree to a modification of the deadline as allowed by P.U.C. PROC. R. 22.144(k). The Parties have reached the agreement that the deadline for filing motions to compel discovery be

<sup>1</sup> See Commission Staff’s First Set of Requests for Information to Glacial Energy of Texas (Aug. 3, 2012); Glacial Energy of Texas, Inc.’s First Set of Requests for Information to PUCT Staff (Aug. 3, 2012).

<sup>2</sup> P.U.C. PROC. R. 22.144(c).

<sup>3</sup> P.U.C. PROC. R. 22.144(e).

<sup>4</sup> *Id.*

extended to August 30, 2012, in order to give the parties additional time to attempt to resolve any remaining discovery disputes after the responses to the discovery are received and reviewed by counsel.

**II. Modification Extending Deadline to File Motions to Compel**

Pursuant to the requirement of P.U.C. PROC. R. 22.144(d) the parties have negotiated diligently and in good faith concerning discovery disputes prior to the filing of objections. These negotiations resulted, in part, in agreed modifications to the RFIs, however, the Parties have not resolved all discovery issues at this time. The Parties anticipate that, after reviewing the responses to discovery provided on August 23, 2012, the Parties will be able to resolve at least some of the remaining disputes.

In an effort to narrow the issues to be addressed, or to obviate the need for a motion to compel, the Parties have agreed that the deadline to file a motion to compel discovery regarding the Parties' first set of requests for information be extended until five working days following the receipt of initial responses to the requests for information, or until August 30, 2012.

WHEREFORE PREMISES CONSIDERED, the Parties have reached an agreement that the deadline to file a Motion to Compel regarding the Parties' first set of requests for information be extended until August 30, 2012.

**DATE: August 14, 2012**

Respectfully Submitted,  
Robert M. Long  
Division Director  
Oversight and Enforcement Division  
State Bar No. 12525500

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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the 14<sup>th</sup> day of August, 2012 in accordance with P.U.C. Procedural Rule 22.74.

*Susan M. Stith*  
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