

Control Number: 40090



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SOAH DOCKET NO. 473-12-5530
PUC DOCKET NO. 40090

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NOTICE OF VIOLATION OF PURA §
39.352, FORMER P.U.C. SUBST. R.
25.107(g)(9)(A), 25.107(g)(9)(B) and
25.107(j)(1), and CURRENT P.U.C.
SUBST. R. 25.107(g)(1)(D) RELATED TO
CETIFICATION OF RETAIL
ELECTRIC PROVIDERS, 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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BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

COMMISSION STAFF’S THIRD SET OF REQUESTS FOR INFORMATION
TO GLACIAL ENERGY OF TEXAS, INC. QUESTION NOS 3-1 – 3- 5

The Staff of the Public Utility Commission of Texas (Staff) requests that Glacial Energy of Texas, Inc. (“Glacial”) provide the following information and answer the following question(s) under oath. The question(s) shall be answered in sufficient detail to fully present all of the relevant facts, within the time limit provided by the Presiding Officer or within 20 days, if the Presiding Officer has not provided a time limit. Please copy the question immediately above the answer to each question. These question(s) are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.

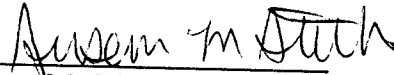
Provide an original and ten copies of your answers to the questions to the Filing Clerk, Public Utility Commission of Texas, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326.

53

DATE: September 7, 2012

Respectfully Submitted,

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

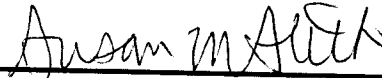


Susan M. Stith
Attorney-Oversight and Enforcement Division
State Bar No. 24014269
(512) 936-7307
(512) 936-7208 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

DOCKET NO. 40090

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 7th day of September, 2012 in accordance with P.U.C. Procedural Rule 22.74.



Susan M. Stith

PUC DOCKET NO. 40900
SOAH DOCKET NO. 473-12-6200

**COMMISSION STAFF'S SECOND SET OF REQUESTS
FOR INFORMATION TO GLACIAL ENERGY OF TEXAS, INC.**

DEFINITIONS

- A. "Glacial Energy," "the Company," "Glacial" or "you" refers to Glacial Energy of Texas, Inc., and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.
- B. "Energy West Resources, Ltd. d/b/a Franklin Power Company and Fire Fly Powered by Franklin," "Energy West," "EW," and "Franklin" refers to Energy West Resources, Ltd. d/b/a Franklin Power Company and Fire Fly Powered by Franklin, and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.

INSTRUCTIONS

1. Pursuant to P.U.C. Proc. R. 22.144(c)(2), Staff requests that answers to the requests for information be made under oath.
2. Please copy the question immediately above the answer to each question. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.
3. These questions are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer.
4. Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.
5. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.
6. If any document is withheld under any claim of privilege, please furnish a list identifying each document for which a privilege is claimed, together with the following information: date, sender, recipients or copies, subject matter of the document, and the basis upon which such privilege is claimed.
7. Pursuant to P.U.C. Proc. R. 22.144(g)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.

PUC DOCKET NO. 40900
SOAH DOCKET NO. 473-12-6200

**COMMISSION STAFF'S THIRD SET OF REQUESTS
FOR INFORMATION TO GLACIAL ENERGY OF TEXAS, INC.**

- 3-1 Provide a copy of Glacial's Terms of Service documents as of August 31, 2012.
- 3-2 Provide the audit report(s) performed by the Texas Comptroller of Public Accounts and all correspondence related thereto.
- 3-3 Explain why the ERCOT/TDSP-provided customer classification of "residential" on certain ESI IDs cannot not be relied upon to automatically suspend the assessment of Texas state sales tax on the "residential use" of electricity?
- 3-4 Provide a copy of any and all documents, communications and correspondence with Glacial's customers regarding the inquiry as to whether their electric service was for "residential use." Also describe any other communications, included recorded communications, with Glacial's customers regarding the inquiry as to whether their electric service was for "residential use." Please include the dates and the substance of the communications described. Additionally, describe the process, the number of customers contacted and the method by which all of Glacial's customers were queried about the "residential use" of their electric service in the fall of 2011.
- 3-5 What metric was used to determine customers' prices for energy prior to the use of locational marginal pricing (LMP)?