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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	§	
§25.107(g)(1)(D) RELATED TO	§	
CERTIFICATION 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.	§	

**GLACIAL ENERGY OF TEXAS, INC.'S SUPPLEMENTAL RESPONSE TO
COMMISSION STAFF'S FIRST SET OF REQUESTS FOR INFORMATION
NOS. 1-4, 1-5, 1-11 THROUGH 1-14, AND 1-25**

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

NOW COMES Glacial Energy of Texas, Inc. ("Glacial TX") and files this Supplemental Response to Commission Staff's First Set of Requests for Information ("RFIs") Nos. 1-4, 1-5, 1-11 through 1-14, and 1-25.

I. WRITTEN RESPONSES

Attached hereto and incorporated herein by reference are Glacial TX's written responses to the aforementioned RFIs. The responses are set forth on or attached to a separate page upon which the requests have been restated. The responses are made in the spirit of cooperation with Staff without waiver of Glacial TX's right to contest the admissibility of any such matters upon hearing. Glacial TX hereby stipulates that responses may be treated by all parties as if they were filed under oath.

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II. BACKGROUND

Staff propounded its First Set of RFIs to Glacial TX on August 3, 2012. On August 13, 2012, Glacial TX timely objected to certain of Staff's RFIs, including RFI Nos. 1-4, 1-5, 1-8, 1-10 through 1-15, 1-18 through 1-21, and 1-25, on the grounds that the information requested is neither relevant nor reasonably calculated to lead to the discovery of admissible information. Glacial TX further objected to such requests to the extent that they seek information that is outside Glacial TX's possession, custody, or control, or information that is privileged.

On August 23, 2012, Glacial TX produced responses to Staff's First Set of RFIs, including responses to certain RFIs to which it had objected, without waiving its right to contest the admissibility of that information. On August 30, 2012, Staff filed a motion seeking to compel Glacial TX to respond to the remaining RFIs. Counsel for Glacial TX and counsel for Staff subsequently engaged in good faith discussions regarding Glacial TX's objections to those RFIs.

Based on those discussions, and subject to and without waiving the above objections and privilege assertions, Glacial TX agreed to provide certain responsive documents to Staff on a rolling basis. Glacial TX and Staff also agreed that Glacial TX, in an effort to avoid duplication of documents, would attempt not to produce responsive documents to Staff that Glacial TX knows are already in the possession of Staff (*i.e.*, documents that Staff produced to Glacial TX in response to Glacial TX's RFIs). In addition, on September 6, 2012, Glacial TX filed in this docket a notification that Glacial TX and Staff had agreed to a modification of the deadline for Glacial TX to respond to Staff's Motion to Compel until September 18, 2012.

On September 13, 2012 and September 14, 2012, Glacial TX produced responsive documents to Staff RFI No. 1-4(h), again without waiving its right to contest the admissibility of such documents. Glacial TX continues to review emails and other written correspondence and will supplement its responses to Staff RFI No. 1-4(h) on a rolling basis. Finally, concurrent with this filing, Glacial TX is submitting a response to Staff's Motion to Compel.

Respectfully submitted,

By: George D. Cannon, Jr.
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Attorneys for Glacial Energy of Texas, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was hand delivered and/or mailed this 18th day of September 2012, via facsimile and/or U.S. Mail, postage pre-paid to all parties of record.

George D. Cannon, Jr.
George D. (Chip) Cannon, Jr.
w/ permission K.L. Leary

REQUEST:

For each of the calendar years beginning in 2003 through 2006, provide the following with respect to Gary Mole and Energy West Resources, Ltd. d/b/a Franklin Power Company and Fire Fly Powered by Franklin (hereafter referred to as "Franklin"):

- a) Federal income tax returns of . . . Franklin;
 - b) W-2s regarding Gary Mole's employment with Franklin;
 - c) 1099s regarding Gary Mole's employment with Franklin;
 - d) 1099s from Franklin to Essential Utilities Corporation;
 - e) All minutes and board resolutions of Franklin from November 2003 through the revocation of Franklin's Retail Electric Provider (REP) certificate;
 - f) Comprehensive list of all members of the Board of Directors, including names, addresses, telephone numbers and dates of service, from November 2003 through December 2005;
 - g) Comprehensive list of all officers and employees, including names, titles, addresses, telephone numbers and dates of service, between November 2003 through December 2005; and
- ...

SUPPLEMENTAL RESPONSE:

Glacial TX supplements its August 23, 2012 response to Staff RFI Nos. 1.4(a)-(g) as follows:

- a) Glacial TX does not have possession, custody or control of Franklin's federal income tax returns.
- b) There are no such documents.
- c) There are no such documents.
- d) Glacial TX does not have possession, custody or control of any documents that are responsive to Staff RFI No. 1.4(d).
- e) Glacial TX does not have possession, custody or control of any documents that are responsive to Staff RFI No. 1.4(e), other than documents that are already in Staff's possession.
- f) The only documents responsive to Staff RFI No. 1.4(f) that are in the possession, custody or control of Glacial TX are documents that are already in Staff's possession, or documents that are being produced by Glacial TX in response to Staff RFI 1-4(h).

- g) The only documents responsive to Staff RFI No. 1.4(g) that are in the possession, custody or control of Glacial TX are documents that are already in Staff's possession, or documents that are being produced by Glacial TX in response to Staff RFI 1.4(h).

Michael Giery, General Counsel for Glacial Energy Holdings, states under oath that the foregoing response has been prepared under his supervision and control and that the response constitutes a true, complete, and accurate response to the request, to the best of his knowledge and belief.

REQUEST:

With respect to the purchase of ownership interest in Franklin through Touchdown Properties by Gary Mole, provide the following:

- a) Purchase price;
- b) Purchase date;
- c) Purchase agreement;
- d) Stock certificate; and
- e) Gary Mole's percentage ownership in Franklin.

SUPPLEMENTAL RESPONSE:

Glacial TX hereby supplements its August 23, 2012 response to Staff RFI No. 1.5 and states that it does not have possession, custody or control of any documents that are responsive to Staff RFI 1.5, other than documents that are already in Staff's possession.

Michael Giery, General Counsel for Glacial Energy Holdings, states under oath that the foregoing response has been prepared under his supervision and control and that the response constitutes a true, complete, and accurate response to the request, to the best of his knowledge and belief.

REQUEST:

Describe in detail any and all efforts made to secure additional financing for Franklin to avert a mass transition of its customers to the provider of last resort (POLR) in 2005. Explain all particulars of such efforts, including an explanation of why such efforts failed. Also, provide all relevant documents, including e-mails, associated with Franklin's efforts to secure such additional financing.

SUPPLEMENTAL RESPONSE:

Glacial TX hereby supplements its August 23, 2012 response to Staff RFI No. 1.11. Glacial TX notes that many of the documents produced to Staff in response to Staff RFI No. 1.4(h) are also responsive to Staff RFI 1.11. Glacial TX will, at the request of Staff, provide Staff with an index of the documents produced in response to Staff RFI No. 1.4(h) that are also responsive to Staff RFI No. 1.11. Glacial TX will continue to produce responsive documents to Staff RFI No. 1.11 on a rolling basis.

Michael Giery, General Counsel for Glacial Energy Holdings, states under oath that the foregoing response has been prepared under his supervision and control and that the response constitutes a true, complete, and accurate response to the request, to the best of his knowledge and belief.

REQUEST:

Describe, in detail, the services that Gary Mole provided, through Essential Utilities Corporation, to Franklin, along with the compensation related to such services. Also provide a copy of the contract and any related documents for such services.

SUPPLEMENTAL RESPONSE:

Glacial TX hereby supplements its August 23, 2012 response to Staff RFI No. 1.12 as follows:

Essential Utilities Corporation ("EUC") served as an energy broker for Franklin Power Company ("Franklin"). EUC identified and signed up potential customers. EUC also maintained a relationship with these customers after Franklin began providing services, occasionally checking on the customer's satisfaction and raising concerns related to non-payment. EUC also assisted in developing a workable business plan for Franklin. There was no executed contract between EUC and Franklin for EUC to provide such energy broker services.

Michael Giery, General Counsel for Glacial Energy Holdings, states under oath that the foregoing response has been prepared under his supervision and control and that the response constitutes a true, complete, and accurate response to the request, to the best of his knowledge and belief.

REQUEST:

Following the mass transition of its customers to the POLR in 2005, did Franklin:

- a) Process the final meter reads for customer;
- b) Settle (i.e., pay) financial obligations to customers;
- c) File with the Commission a sworn affidavit demonstrating compliance with Commission rules regarding financial obligations to refund customers following the transition to POLR? If so, provide documentation in support thereof; and if not, explain why; and,
- d) Comply with the Commission rules §§ 25.107(f)(2), 25.107(i)(8), 25.478(j)(2) and 25.43(n)(7) as they existed at that time? If so, provide documentation in support thereof, and if not, explain why.

SUPPLEMENTAL RESPONSE:

Glacial TX hereby supplements its August 23, 2012 response to Staff RFI No. 1.13 and states that it does not have possession, custody or control of any information or documents that are responsive to Staff RFI No. 1.13.

Michael Giery, General Counsel for Glacial Energy Holdings, states under oath that the foregoing response has been prepared under his supervision and control and that the response constitutes a true, complete, and accurate response to the request, to the best of his knowledge and belief.

REQUEST:

Provide a copy of Franklin's Electricity Facts Label (EFL) and Terms of Service (TOS) documents that were in effect as of May 12, 2011.

SUPPLEMENTAL RESPONSE:

Glacial TX hereby supplements its August 23, 2012 response to Staff RFI No. 1.14, and states that it does not have possession, custody or control of any EFL or TOS for Franklin as of May 12, 2011.

Michael Giery, General Counsel for Glacial Energy Holdings, states under oath that the foregoing response has been prepared under his supervision and control and that the response constitutes a true, complete, and accurate response to the request, to the best of his knowledge and belief.

REQUEST:

Provide a description of all entities affiliated with Energy West Resources, Ltd. d/b/a Franklin Power Company and Fire Fly Powered by Franklin. For each entity, provide the date of the filing of the initial application for certification; docket number, date of approval or rejection, date of suspension or revocation and the current status of all previously filed applications.

SUPPLEMENTAL RESPONSE:

Glacial TX hereby supplements its August 23, 2012 response to Staff RFI No. 1.25, and states that it does not have possession, custody or control of any information with respect to affiliates of Franklin Power Company.

Michael Giery, General Counsel for Glacial Energy Holdings, states under oath that the foregoing response has been prepared under his supervision and control and that the response constitutes a true, complete, and accurate response to the request, to the best of his knowledge and belief.