

Control Number: 40090



Item Number: 88

Addendum StartPage: 0

RECEIVED
12 OCT -2 PM 2:06
PUBLIC UTILITY COMMISSION
FILING OFFICE

NOTICE OF VIOLATION OF PURA §
§39.352, FORMER P.U.C. SUBST. R. §
§25.107(g)(9)(A), §25.107(g)(B) and §
§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. §25.475, §
25.479, 25.480 and 25.483, RELATED §
TO CUSTOMER PROTECTION §
RULES FOR RETAIL ELECTRIC §
SERVICE BY GLACIAL ENERGY OF §
TEXAS, INC. §

BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

**GLACIAL ENERGY OF TEXAS, INC.’S STATEMENT IN SUPPORT OF
HIGHLY SENSITIVE PROTECTED MATERIALS DESIGNATION**

COMES NOW Glacial Energy of Texas, Inc. (“Glacial TX”) and, in accordance with Paragraph 4 of the Protective Order adopted in this docket, submits this statement in support of the designation of certain information being produced in a supplemental response to Public Utility Commission of Texas Staff’s First Set of Requests for Information to Glacial (“PUC Staff RFIs”) as Highly Sensitive Protected Materials.

I.

The emails and other written correspondence being produced in response to PUC Staff RFI Set No. 1, Question No. 1.4(h), qualify for the Highly Sensitive Protected Materials designation because they are exempt from public disclosure under Sections 552.101 and 552.133 of the Texas Public Information Act¹ and contain highly sensitive, proprietary information regarding corporate billing practices, bank account information, pricing strategies, broker performance, customer names and addresses, and customer-specific billing, contract, and usage

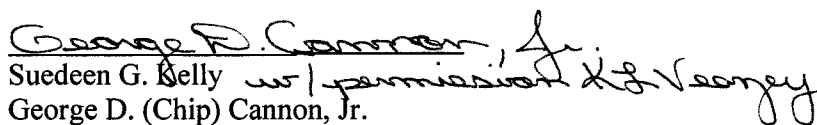
¹ TEX. GOV’T CODE ANN. §§ 552.001-.353 (Vernon 2011).

data, which would cause substantial harm if it were released. Moreover, the materials produced in response to Question No. 1.4(h) are subject to a Protective Order in *Petras v. Mole et al.*, Civil Action No. 3-11CV1402-N in the United States District Court for the Northern District of Texas, Dallas Division.

II.

The undersigned counsel for Glacial TX has reviewed the information contained in the above-referenced supplemental response to PUC Staff RFI Set No. 1, Question No. 1.4(h), and has found, in good faith, that the documents contain confidential information that is exempt from public disclosure under the Texas Public Information Act and merit the “Highly Sensitive Protected Materials” designation.

Respectfully submitted,


Sudeen G. Kelly *with permission of G. Scott Binnings*
George D. (Chip) Cannon, Jr.
G. Scott Binnings
Patton Boggs LLP
2550 M Street NW
Washington, DC 20037
(202) 457-6000 (Telephone)
(202) 457-6315 (Facsimile)

Attorneys for Glacial Energy of Texas, Inc.

Dated: October 2, 2012

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered and/or mailed this 2nd day of October 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.D. Veasey