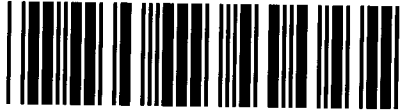


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PUC DOCKET NO. 46093

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NOTICE OF VIOLATION OF PURA §  
§39.352, RELATED TO §  
CERTIFICATION OF RETAIL §  
ELECTRIC PROVIDERS; 16 TAC §  
§25.107, RELATED TO §  
CERTIFICATION OF RETAIL §  
ELECTRIC PROVIDERS, AND 16 TAC §  
§25.214, RELATED TO TERMS AND §  
CONDITIONS OF RETAIL DELIVERY §  
SERVICE §

BEFORE THE PUBLIC UTILITY COMMISSION  
FILING CLERK

PUBLIC UTILITY COMMISSION

OF TEXAS

**TRUSMART ENERGY, LLC'S REQUEST FOR HEARING**

TruSmart Energy, LLC ("TruSmart"), pursuant to 16 T.A.C. § 22.246(f)(3), respectfully submits this request for a hearing of both (1) the alleged occurrence of the violation(s) and (2) the amount of the penalty proposed by the Commission's Executive Director in the Notice of Violation ("NOV") filed on June 22, 2016.

Contemporaneously with the filing of this Request, TruSmart (through its counsel) is coordinating with the PUC's Oversight and Enforcement Division ("O&E"). Though TruSmart is submitting this request for a hearing to reserve its rights, TruSmart hopes that a hearing can ultimately be avoided. Based on discussions with O&E, TruSmart respectfully requests that Commission Docketing refrain from referring this docket to the State Office of Administrative Hearings ("SOAH") at this time.<sup>1</sup>

TruSmart respectfully asks that the Commission accept this request for a hearing under § 22.246(f)(3), filed before the 20th day after receipt of the NOV as required by the Commission rules, but refrain from referring this docket to SOAH until further request by TruSmart and/or O&E.

<sup>1</sup> TruSmart anticipates that O&E will file a similar request to defer referral of this docket to SOAH at this time.

Respectfully submitted,

KING & SPALDING LLP



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**ATTORNEYS FOR  
TRUSMART ENERGY, LLC**

**CERTIFICATE OF SERVICE**

I, Jill R. Carvalho, Attorney for TruSmart Energy, LLC, hereby certify that a copy of this document was served on all parties of record in this proceeding on this 8<sup>th</sup> day of July, 2015 by hand-delivery, facsimile, electronic mail and/or First Class, U.S. Mail, Postage Prepaid.



Jill R. Carvalho