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DOCKET NO. 49477

**APPLICATION OF FREEPOINT
ENERGY SOLUTIONS, LLC TO
AMEND A RETAIL ELECTRIC
PROVIDER CERTIFICATE**

§ **PUBLIC UTILITY COMMISSION**
§ 2019 JUL 17 11:01
§ **OF TEXAS**
§ FILED

COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION

COMES NOW the Staff of the Public Utility Commission of Texas (Commission), representing the public interest, and files this response to Order No. 2, Commission Staff's Recommendation on Final Disposition. Staff recommends that the application be approved. In support thereof, Staff shows the following:

I. BACKGROUND

On April 26, 2019, Freepoint Energy Solutions LLC (Freepoint) filed an application to amend its existing Retail Electric Provider (REP) Certificate No. 10248, pursuant to 16 Texas Administrative Code (TAC) § 25.107. Freepoint seeks to update information on its directors and officers, and the names of those it relies on to meet the technical and managerial requirements required by 16 TAC § 25.107(g).

Order No. 2, issued on May 22, 2019, required Staff to file a recommendation on final disposition by June 17, 2019. This pleading is therefore timely filed.

II. FINAL RECOMMENDATION

Staff has reviewed Freepoint's application, and, as supported by the attached memorandum of Fred Goodwin of the Commission's Competitive Markets Division, Staff has determined that the application provides the information required to demonstrate that Freepoint satisfies the requirements of 16 TAC § 25.107. Therefore, Staff recommends that the application be approved.

III. CONCLUSION

For the reasons specified above, Staff respectfully recommends that Freepoint's application be approved.



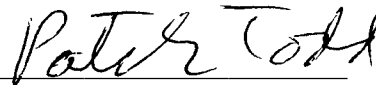
Dated: June 17, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Rachelle Nicolette Robles
Managing Attorney

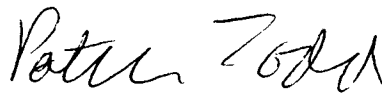


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on June 17, 2019,
in accordance with 16 TAC § 22.74.



Patrick D. Todd

Public Utility Commission of Texas

Memorandum

TO: Patrick Todd, Attorney
Legal Division

FROM: Fred Goodwin, Competitive Market Analyst
Competitive Markets Division

DATE: June 17, 2019

RE: Docket No. 49477 – *Application of Freepoint Energy Solutions LLC to Amend a Retail Electric Provider Certificate*

Recommendation on Final Disposition

Background

On April 26, 2019, Freepoint Energy Solutions LLC (Freepoint or the Applicant) filed an application with the Public Utility Commission of Texas (Commission) for an amendment to its retail electric provider (REP) certificate No. 10248 in accordance with 16 Texas Administrative Code (TAC) § 25.107. The Applicant seeks to update information on its directors and officers, and the names of those it relies on to meet technical and managerial requirements.

Technical and Managerial Analysis

Substantive rule 16 TAC § 25.107 is silent with respect to the filing requirements related to a change in directors and officers.

Substantive rule 16 TAC § 25.107(g)(1)(D) requires that “[a]n individual that was a principal of a REP that experienced a mass transition of the REP’s customers to POLR shall not be considered for purposes of satisfying this requirement, and shall not own more than 10% of a REP or directly or indirectly control a REP”. Staff confirmed that Freepoint’s updated list of directors and officers satisfies this requirement.

Pursuant to 16 TAC § 25.107(g)(1)(D), principals or permanent employees in managerial positions must have combined experience in the competitive electric industry or competitive gas industry that equals or exceeds fifteen years. Staff has reviewed the competitive experience

information provided in the Freepoint's filing and has confirmed that the total relevant technical and managerial experience of the staff members meets the requirements of 16 TAC § 25.107(g)(1)(D).

Conclusion

Staff has reviewed Freepoint's application for an amendment to its REP certificate and determined that the application meets the requirements of 16 TAC § 25.107(g)(1)(D). Therefore, Staff recommends that the application be approved from a technical and managerial perspective.

If you have any questions please contact Fred Goodwin at (512) 936-7454.