

Control Number: 49790



Item Number: 5

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**DOCKET NO. 49790**

**APPLICATION OF ATG CLEAN  
ENERGY HOLDINGS INC. TO AMEND  
ITS RETAIL ELECTRIC PROVIDER  
CERTIFICATE** §  
§  
§  
§

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

FILED  
2019 SEP 16 AM 10:39  
FILED  
FILING CLERK

**COMMISSION STAFF’S RECOMMENDATION ON FINAL DISPOSITION**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), 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 July 25, 2019, ATG Clean Energy Holdings Inc. (ATG), filed an application to amend its existing Retail Electric Provider (REP) Certificate No. 10263, pursuant to 16 Texas Administrative Code (TAC) § 25.107. ATG seeks the amendment to change its financial qualifications.

Order No. 2, issued on August 15, 2019, required Staff to file a recommendation on final disposition by September 16, 2019. This pleading is therefore timely filed.

**II. FINAL RECOMMENDATION**

Staff has reviewed ATG’s application and, as supported by the attached memorandum of Mariah Benson of the Commission’s Market Analysis Division, Staff has determined that the application provides the information required to demonstrate that ATG 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 ATG’s application be approved.

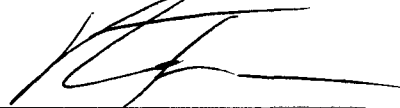
Dated: September 16, 2019

Respectfully submitted.

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney



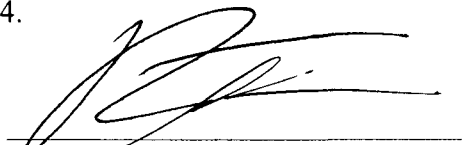
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**CERTIFICATE OF SERVICE**

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



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Rustin Tawater

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Rustin Tawater, Attorney, Legal Division

**FROM:** Mariah Benson, Economist, Market Analysis Division

**DATE:** September 12, 2019

**RE:** Docket No. 49790 - *Application of ATG Clean Energy Holdings Inc. to amend its Retail Electric Provider Certificate*

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## **Recommendation**

### **Regarding Approval of the Application of an Amendment to REP Certification**

#### **Applicant's Request**

On July 25, 2019, ATG Clean Energy Holdings Inc. ("ATG") filed an application requesting an amendment to its Option 1 retail electric provider (REP) Certificate No. 10263. ATG is seeking to collect customer deposits.

#### **Analysis**

PUC Substantive Rule 16 Texas Administrative Code (TAC) § 25.107(f)(2)(B), states the following:

"A REP certified pursuant to paragraph (1)(B) of this subsection shall keep customer deposits and residential advance payments in an escrow account or segregated cash account, or provide an irrevocable stand-by letter of credit payable to the commission in an amount sufficient to cover 100% of the REP's outstanding customer deposits and residential advance payments held at the close of each month. For purposes of this subparagraph only, to qualify as a segregated cash account, the account must be with a financial institution whose deposits, including the deposits in the segregated cash account,

are insured by the Federal Deposit Insurance Corporation, the account is designated as containing only customer deposits, the account is subject to the control or management of a provider of pervasive and comprehensive credit to the REP that is not affiliated with the REP, and the terms for managing the account protect customer deposits.”

ATG is certified pursuant to 16 TAC § 25.107(f)(1)(B) and has provided a letter of credit to demonstrate compliance with 16 TAC § 25.107(f)(2)(B). The letter of credit is consistent with the Commission’s standard form for letters of credit.

**Recommendation**

ATG Clean Energy Holdings Inc. has demonstrated compliance with 16 TAC § 25.107(f)(2)(B). Staff recommends the application be approved from a financial perspective.