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DOCKET NO. 49824

**APPLICATION OF TITAN GAS, LLC §
FOR A RETAIL ELECTRIC PROVIDER §
CERTIFICATE §**

PUBLIC UTILITY COMMISSION

OF TEXAS

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NOTICE OF APPROVAL

This Notice of Approval addresses the application of Titan Gas, LLC for an option 1 retail electric provider (REP) certificate. The Commission approves the application and issues option 1 REP certificate number 10268 to Titan Gas, LLC.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicant

1. Titan Gas is a domestic limited liability company registered with the Texas secretary of state on October 14, 2004, under file number 800402155.
2. Titan Gas has an assumed name, Titan Gas and Power, registered with the Texas secretary of state on December 13, 2018.

Application

3. On August 6, 2019, Titan Gas applied for an option 1 REP certificate to provide retail electric services for the geographic area of the Electric Reliability Council of Texas (ERCOT) system.
4. Titan Gas submitted its application using the Commission-approved form, verified by oath or affirmation, and signed by Amy Van Gelder, chief operating officer of Titan Gas.
5. On August 13, 2019 and August 23, 2019, Titan Gas supplemented its application.
6. In Order No. 2 filed on September 4, 2019, the administrative law judge found the application administratively complete.

Basic Requirements

7. The names Titan Gas, LLC and Titan Gas and Power are registered with the Texas secretary of state, and are not deceptive, misleading, vague, or duplicative of a name previously approved for use by an existing REP certificate holder.
8. Titan Gas maintains an office located in Texas for the purpose of providing customer service, accepting service of process, and making available books and records for inspection at that office.

Financial Requirements

9. Titan Gas provided, under confidential seal, a credit rating report for an investment-grade guarantor that demonstrates compliance with 16 Texas Administrative Code (TAC) § 25.107(f)(1)(A), and a guaranty agreement that meets the requirements of 16 TAC § 25.107(f)(4)(G)(iv).
10. Titan Gas will not collect customer deposits or advance payments.
11. Titan Gas will comply with the financial standards required for the billing and collection of transition charges.
12. Titan Gas reported that neither itself, nor any predecessor in interest, has a history of insolvency, bankruptcy, dissolution, merger or acquisition during the 60 months immediately preceding the application.

Technical and Managerial Requirements

13. Titan Gas has demonstrated: (a) it has the capability to comply with all applicable ERCOT policies, protocols, guidelines, procedures, and rules; (b) it has the capability to comply with all applicable ERCOT registration and certification requirements; (c) it will comply with all renewable energy portfolio standards; (d) its principals or permanent, managerial employees have at least 15 years combined experience in the competitive retail electric or gas industry; (e) it has at least one principal or permanent employee with five years of experience in energy commodity risk management of a substantial energy portfolio; (f) it has adequate staffing and employee training to meet all service level commitments; (g) it has the capability and effective procedures to be the primary point of contact for retail electric customers for distribution system service; and (h) it has a customer service plan that complies with the Commission's customer protection and anti-discrimination rules.

14. Titan Gas reported, under confidential seal, its complaint history, disciplinary record, or compliance record during the 10 years immediately preceding the application from any federal agency, self-regulatory organization, state public utility commission, state attorney general's office, other regulatory agency, the Texas Secretary of State, the Texas Comptroller's Office, or the Office of the Texas Attorney General.
15. Commission Staff assessed, in its supplemental recommendation on November 1, 2019, that Titan Gas's complaint history, reported under confidential seal, does not preclude its ability to provide continuous and reliable retail electric service and comply with the Commission's customer protection and anti-discrimination rules.
16. Titan Gas reported that neither itself, nor its principals, are currently under investigation or have been penalized by an attorney general or any state or federal regulatory authority for violation of any deceptive trade or consumer protection laws or regulations.
17. Titan Gas reported that neither itself nor its principals have been convicted of or found liable for fraud, theft, larceny, deceit, or violations of any securities laws, customer protection laws, or deceptive trade laws.
18. Titan Gas is not currently providing service to customers.

Informal Disposition

19. More than 15 days have passed since the completion of notice provided in this docket.
20. No person filed a protest or motion to intervene.
21. Titan Gas and Commission Staff are the only parties to this proceeding.
22. No party requested a hearing and no hearing is needed.
23. Commission Staff recommended approval of the application.
24. This decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has jurisdiction over the application under PURA¹ § 39.352.
2. The application complies with the requirements of PURA § 39.352 and 16 Texas Administrative Code (TAC) § 25.107.
3. Titan Gas designated its election for option 1 REP certification to provide retail electric services within the ERCOT region as required by 16 TAC § 25.107(d)(1).
4. Titan Gas maintains a Texas business location in satisfaction of PURA § 39.352(b)(4) and 16 TAC § 25.107(e)(2).
5. The name Titan Gas is not deceptive, misleading, vague, otherwise contrary to 16 TAC § 25.272, or duplicative, in compliance with 16 TAC § 25.107(e)(1)(B).
6. Titan Gas has demonstrated compliance with the access to capital requirement in 16 TAC § 25.107(f)(1)(A) by providing an executed guaranty agreement as required by 16 TAC § 25.107(f)(4)(G)(iv) and by providing a guaranty agreement demonstrating compliance with 16 TAC § 25.107(f)(1)(A)(i).
7. Because Titan Gas will not collect customer deposits or advance payments, it need not prove compliance with 16 TAC § 25.107(f)(2) and (f)(4)(D), (E), and (F).
8. Titan Gas has agreed to comply with 16 TAC § 25.107(f)(5) and § 25.108, relating to the billing and collection of transition charges.
9. Titan Gas has demonstrated the capability to comply with all applicable rules established by ERCOT in compliance with the requirements of 16 TAC § 25.107(g)(1)(A) and (B).
10. Titan Gas has demonstrated compliance with all renewable energy portfolio standards in accordance with TAC § 25.173 in satisfaction of 16 TAC § 25.107(g)(1)(C).
11. Titan Gas has principals or permanent employees in managerial positions whose combined experience in the competitive electric industry equals or exceeds 15 years, and at least one principal or employee who has five years of experience in energy commodity risk

¹ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.016.

management of a substantial energy portfolio, as required by 16 TAC § 25.107(g)(1)(D) and (E).

12. Titan Gas has demonstrated that it has experience in competitive retail electric service or a related industry, is committed to adequate staffing and training, will be the primary point of contact for its customers, and has a customer service plan that complies with the Commission's customer protection and anti-discrimination rules as required by 16 TAC § 25.107(g)(1)(F) through (H).
13. Titan Gas made the appropriate disclosures required by 16 TAC § 25.107(g)(2).
14. The Commission processed the application in accordance with the requirements of the TWC, the Administrative Procedure Act,² and Commission's rules.
15. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission issues REP option 1 certificate number 10268 to Titan Gas to provide retail electric services in the geographic area of the ERCOT system.
2. Titan Gas must provide service only under the names Titan Gas, LLC and Titan Gas and Power.
3. Titan Gas must continuously maintain an office within Texas for the purpose of providing customer service, accepting service of process, and making available in that office books and records sufficient to establish compliance with the requirements of PURA and applicable Commission rules.
4. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

² Tex. Gov't Code ch. 2001.

Signed at Austin, Texas the 7th day of November 2019.

PUBLIC UTILITY COMMISSION OF TEXAS



CHRISTOPHER OAKLEY
ADMINISTRATIVE LAW JUDGE

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