



Filing Receipt

Received - 2022-09-22 11:14:10 AM
Control Number - 53923
ItemNumber - 5

DOCKET NO. 53923

APPLICATION OF BLUE STAR	§	PUBLIC UTILITY COMMISSION
ENERGY, LLC TO RELINQUISH ITS	§	
RETAIL ELECTRIC PROVIDER	§	OF TEXAS
CERTIFICATE	§	

COMMISSION STAFF’S RECOMMENDATION ON FINAL DISPOSITION

On August 1, 2022, Blue Star Energy, LLC (Blue Star) filed an application to relinquish its service provider certificate of authority (SPCOA) No. 10282, under 16 Texas Administrative Code (TAC) § 25.107.

On August 16, 2022, the administrative law judge filed Order No. 2, requiring the Staff (Staff) of the Public Utility Commission (Commission) of Texas to file a recommendation on final disposition by September 22, 2022. Therefore, this pleading, is timely filed.

I. COMMISSION STAFF’S RECOMMENDATION ON FINAL DISPOSITION

Staff has reviewed the application, and as supported by the attached memoranda of Fred Goodwin, Customer Protection Division, and Ethan Blanchard, Rate Regulation Division, recommends that Blue Star satisfies the requirements of 16 TAC § 25.107. Therefore, Staff recommends that the application be approved.

II. CONCLUSION

For the reasons specified above, Staff respectfully requests that Blue Star’s application to relinquish its REP certificate be approved.

Dated: September 22, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
Division Director

Sneha Patel
Managing Attorney

/s/ Mildred Anaele
Mildred Anaele
State Bar No. 24100119
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7345
(512) 936-7268 (facsimile)
Mildred.Anaele@puc.texas.gov

DOCKET NO. 53923

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on September 22, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Mildred Anaele
Mildred Anaele

Public Utility Commission of Texas

Memorandum

TO: Mildred Anaele, Attorney
Legal Division

FROM: Fred Goodwin, Licensing and Compliance Analyst
Customer Protection Division

DATE: September 22, 2022

RE: Docket No. 53923 – *Application of Blue Star Energy, LLC To Relinquish Its Retail Electric Provider Certificate*

Staff Recommendation on Final Disposition

Technical and Managerial Requirements

I. Application

On August 1, 2022, Blue Star Energy, LLC (Blue Star) filed an application with the Public Utility Commission of Texas (PUC or Commission) to relinquish retail electric provider (REP) certificate no. 10282 in accordance with 16 Texas Administrative Code (TAC) § 25.107.

II. Technical and Managerial Analysis

General Requirements

Under 16 TAC § 25.107(c)(2), an application for REP certification “shall be on a form approved by the commission, verified by oath or affirmation, and signed by an executive officer of the applicant.”

I verified that the application was submitted on a commission-approved form, that it was signed and verified by an executive officer of Blue Star, and it contained all the information required by 16 TAC § 25.107(c)(2) and by Part E (Relinquishment of Certification) of the application form.

Technical Requirements

Under 16 TAC § 25.107(i)(6), a REP shall not cease operations without at least 45 days prior notice to the Commission, the REP's customers, and other affected persons.

Blue Star stated in the explanation to its application that never served customers or commenced retail operations in Texas since becoming certificated as a REP. In Section E-1 (Provision of Notice), Blue Star stated that it plans to cease operations on August 1, 2022. Blue Star filed its relinquishment application on August 1, 2022, and 45 days later would be on September 15, 2022, so this requirement would not be satisfied.

Section E-2 of the application form (Customer Notice) requires the REP to provide notice to its customers that it intends to cease operations. Because Blue Star serves no customers, this requirement does not apply.

Section E-3 of the application form (Other Notices) requires the REP to notify certain third parties of its relinquishment. Blue Star stated that it provided the required notices to the relevant third parties, so this condition is satisfied.

III. Conclusion

I have reviewed the application of Blue Star Energy, LLC to relinquish its certificate, and I recommend that it substantially meets the requirements of 16 TAC § 25.107 and of the application form.

Therefore, I recommend that the application be approved, from a technical and managerial perspective, to be effective on or after September 15, 2022.

My recommendation does not address Blue Star's financial obligations related to relinquishing its REP certificate.

Public Utility Commission of Texas

Memorandum

TO: Mildred Anaele
Legal Division

FROM: Ethan Blanchard
Rate Regulation Division

DATE: September 22, 2022

RE: Docket No. 53923 – *Application of Blue Star Energy, LLC to Relinquish its Retail Electric Provider Certificate*

On August 1, 2022, Blue Star Energy, LLC (Blue Star) filed an application to relinquish its Option 1 Retail Electric Provider (REP) Certificate, No. 10282. 16 Texas Administrative Code (TAC) § 25.107(i)(6) states:

A REP shall not cease operations as a REP without prior notice of at least 45 days to the commission, to each of the REP's customers to whom the REP is providing service on the planned date of cessation of operations, and to other affected persons, including the applicable independent organization, TDUs, electric cooperatives, municipally owned utilities, generation suppliers, and providers of last resort. The REP shall file with the commission proof of refund of any monies owed to customers. Upon the effective cessation date, a REP's certificate will be suspended. A REP must demonstrate full compliance with the requirements of this section, including but not limited to, the requirement to demonstrate shareholders' equity of not less than one million dollars and its associated restrictions pursuant to subsection (f)(1)(B) of this section, in order for the commission to reinstate the certificate. The commission may revoke a suspended certificate if it determines that the REP does not meet certification requirements.

In its application, Blue Star stated that it has never served any retail electric customers in Texas. Accordingly, there are no customers to give notice, no customer deposits to review, nor any monies to be refunded. Therefore, I recommend that the application be approved from a financial perspective.