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APPLICATION OF ATLANTIC \$ PUBLIC UTILITY COMMISSION ENERGY TEXAS LLC FOR A RETAIL \$ ELECTRIC PROVIDER CERTIFICATE \$ OF TEXAS

ORDER NO. 5 FINDING APPLICATION ADMINISTRATIVELY INCOMPLETE AND ESTABLISHING OPPORTUNITY TO CURE

This Order addresses the sufficiency of the July 20, 2023 application of Atlantic Energy Texas LLC, under PURA¹ § 39.352 and 16 Texas Administrative Code (TAC) § 25.107, for an Option 1 retail electric provider certificate to provide retail electric services throughout the entire state of Texas.

On October 10, 2023, Commission Staff filed a recommendation on the sufficiency of the application. Commission Staff filed a request for an extension on September 27, 2023 to allow Atlantic Energy Texas LLC adequate time to obtain ERCOT approval as a qualified scheduling entity, as Atlantic's application in this proceeding will remain deficient without it. Commission Staff reports that there have been no updates since that time.

The administrative law judge finds the application remains administratively incomplete and deficient. By October 26, 2023, Atlantic must cure the deficiencies as described in the memoranda of Josephine Gonzalez and Ethan Blanchard, attached to Commission Staff's revised filing regarding administrative completeness of the application filed on August 17, 2023. If Atlantic is unable to cure the deficiencies in this application by October 26, 2023, the company must show good cause for why this application should not be dismissed, without prejudice, and instruct Atlantic that it may refile when it is able to present a complete application.

By November 9, 2023, Commission Staff must file a supplemental recommendation on the sufficiency of the application. If found administratively complete at that time, Commission Staff must also file its final recommendation on approval of the application.

Signed at Austin, Texas on the 12th day of October 2023.

PUBLIC UTILITY COMMISSION OF TEXAS

Quesai C. Doroson

SUSAN E. GOODSON ADMINISTRATIVE LAW JUDGE

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