



## **Filing Receipt**

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**DOCKET NO. 55268**

**APPLICATION OF ATLANTIC ENERGY TEXAS LLC FOR A RETAIL ELECTRIC PROVIDER CERTIFICATE** § **PUBLIC UTILITY COMMISSION**  
§ **OF TEXAS**  
§

**NOTICE OF APPROVAL**

This Notice of Approval addresses the application of Atlantic Energy Texas LLC for an option 1 retail electric provider (REP) certificate. The Commission grants the application and issues option 1 REP certificate number 10335 to Atlantic Energy Texas LLC.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Applicant**

1. Atlantic Energy is a Texas limited liability company registered with the Texas secretary of state under filing number 804177997.

**Application**

2. On July 20, 2023, Atlantic Energy applied for an option 1 REP certificate to provide retail electric service throughout the state of Texas.
3. On August 28 and 29, October 25, November 22, and December 20, 2023, Atlantic Energy filed supplements or amendments to the application.
4. Atlantic Energy submitted its application using the Commission-approved form, verified by oath or affirmation, and signed by Phillip D. Wills, chief financial officer of Atlantic Energy.
5. In Order No. 7 filed on December 12, 2023, the administrative law judge found the application, as supplemented, administratively complete.

**Basic Requirements**

6. The name Atlantic Energy Texas LLC is registered with the Texas secretary of state and is not deceptive, misleading, vague, or duplicative of a name previously approved for use by an existing REP certificate holder.

7. Atlantic Energy maintains an office with a physical address 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.
8. Atlantic Energy requested five assumed names: AE Texas, Atlantas Power, Atlantex Power, AE Texas Commercial, and AE Texas Residential.
9. On July 24, 2023, Atlantic Energy registered the assumed names with the Texas secretary of state.

### **Financial Requirements**

10. Atlantic Energy has elected to meet the access to capital requirements by providing an unaudited balance sheet and affidavit as well as a letter of credit.
11. Atlantic Energy will comply with the financial standards required for the billing and collection of customer deposits. Atlantic Energy elects to meet its protection of customer deposits obligation with an irrevocable standby letter of credit that is maintained at a financial institution that is supervised by the Comptroller of Currency.
12. Atlantic Energy will comply with the financial standards required for the billing and collection of transition charges.
13. Atlantic Energy 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**

14. Atlantic Energy is not currently providing service to customers.
15. Atlantic Energy provided the resume of at least one principal employee who has five years of experience in energy commodity risk management of a substantial energy portfolio.
16. Atlantic Energy 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.

17. Atlantic Energy reported that neither itself, nor its principals, has any complaint history, disciplinary record, or compliance record during the ten 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.
18. Atlantic Energy 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.
19. Atlantic Energy 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.
20. Atlantic Energy included with its application an affidavit by Mr. Wills, certifying that the company will register with or be certified by ERCOT and will comply with the technical and managerial requirements of 16 Texas Administrative Code (TAC) § 25.107(d)(1).

**Informal Disposition**

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

## II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over the application under PURA<sup>1</sup> § 39.352.<sup>2</sup>
2. The application, as supplemented and amended, complies with the requirements of PURA § 39.352 and 16 TAC § 25.107.
3. Atlantic Energy designated its election for option 1 REP certification to provide retail electric service within Texas as required by 16 TAC § 25.107.
4. Atlantic Energy maintains a Texas business location in satisfaction of PURA § 39.352(b)(4) and 16 TAC § 25.107(d)(1)(E).
5. The name Atlantic Energy Texas LLC is not deceptive, misleading, vague, otherwise contrary to 16 TAC § 25.272, or duplicative, in compliance with 16 TAC § 25.107(d)(2)(B)(i).
6. Atlantic Energy requested five assumed names, satisfying the condition of no more than five assumed names for a REP at one time under 16 TAC § 25.107(d)(1)(B).
7. Atlantic Energy demonstrated compliance with the access to capital requirement in 16 TAC § 25.107(f)(1)(B), (f)(4)(C), and (f)(4)(F).
8. Atlantic Energy agreed to comply with 16 TAC §§ 25.107(j) and 25.108, relating to the billing and collection of transition charges.
9. Atlantic Energy demonstrated compliance with the protection of customer deposits and advance payments requirements of 16 TAC § 25.107(f)(2)(A).
10. Atlantic Energy demonstrated the capability to comply with all applicable rules established by ERCOT in compliance with the requirements of 16 TAC § 25.107(d)(1).
11. Atlantic Energy 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

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<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.016.

<sup>2</sup> The references to PURA § 39.352 in this Notice of Approval are to the version of the rule effective at the time the application was filed. A new version of the statute was adopted effective September 1, 2023.

risk management of a substantial energy portfolio, as required by 16 TAC § 25.107(e)(1)(A) and (B).

12. Atlantic Energy 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(e)(1)(D).
13. The Commission processed the application, including supplements, in accordance with the requirements of PURA, the Administrative Procedure Act,<sup>3</sup> and Commission's rules.
14. 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 option 1 REP certificate number 10335 in the name Atlantic Energy Texas LLC to provide retail electric service throughout the state of Texas.
2. Atlantic Energy must provide service only under the name Atlantic Energy Texas LLC, or the assumed names AE Texas, Atlantas Power, Atlantex Power, AE Texas Commercial or AE Texas Residential.
3. Atlantic Energy 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.

The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

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<sup>3</sup> Tex. Gov't Code §§ 2001.001–903.

Signed at Austin, Texas on the 29th day of December 2023.

**PUBLIC UTILITY COMMISSION OF TEXAS**

*Susan E. Goodson*

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**SUSAN E. GOODSON**

**ADMINISTRATIVE LAW JUDGE**