



## **Filing Receipt**

**Filing Date - 2025-01-06 10:45:09 AM**

**Control Number - 57235**

**Item Number - 10**

**DOCKET NO. 57235**

<b>APPLICATION OF TRINITA POWER</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>INC. FOR A RETAIL ELECTRIC</b>	<b>§</b>	
<b>PROVIDER CERTIFICATE</b>	<b>§</b>	<b>OF TEXAS</b>

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON FINAL  
DISPOSITION**

**I. INTRODUCTION**

On October 24, 2024, Trinita Power Inc. (Trinita Power) filed an application for an Option 2 Retail Electric Provider (REP) certificate under PURA<sup>1</sup> § 39.352 and 16 Texas Administrative Code (TAC) § 25.107.

On December 20, 2024, the administrative law judge (ALJ) filed Order No. 3, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file clarification as to whether Trinita Power's application should be approved or conditionally approved under 16 TAC § 25.107(c)(5) by January 6, 2025. Therefore, this pleading is timely filed.

**II. SUPPLEMENTAL RECOMMENDATION ON FINAL DISPOSITION**

Staff has reviewed the supplemented application and, as described in the attached updated memorandum of Josephine Gonzalez of the Customer Protection Division, concludes that the application satisfies the requirements of 16 TAC § 25.107 and recommends that it be unconditionally approved. Accordingly, Staff recommends that the supplemented application be approved.

**III. CONCLUSION**

For the reasons specified above, Staff respectfully requests that Trinita Power's application to amend its Option 2 REP certificate be approved.

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

Dated: January 6, 2025

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Marisa Lopez Wagley  
Division Director

/s/ Glen Imes  
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**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document will be provided to all parties of record via electronic mail on January 6, 2025, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Glen Imes  
Glen Imes

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Glen Imes, Attorney  
Legal Division

**FROM:** Josephine Gonzalez, Licensing and Compliance Specialist  
Consumer Protection Division

**DATE:** January 6, 2025

**RE:** Docket No. 57235 - *Application of Trinita Power Inc., for a Retail Electric Provider Certificate*

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### **Staff's Recommendation on Final Disposition**

#### **I. Application**

On October 24, 2024, Trinita Power Inc., (applicant) filed an application with the Public Utility Commission of Texas (Commission) for certification as an Option 2 retail electric provider (REP) in Texas pursuant to Public Utility Regulatory Act (PURA) § 39.352 and 16 Texas Administrative Code (TAC) § 25.107.

On October 24, 2024, the applicant filed confidential supplemental information to support their application.

#### **II. Technical and Managerial Analysis**

PUC Substantive Rules 16 TAC § 25.107(c), (d), (e), and (f) list the general, certification, basic, and substantive requirements (respectively) applicable to a new Option 2 REP certification application.

##### ***General requirements***

Under 16 TAC § 25.107(c)(1), 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 reviewed the application and found that it was submitted on a commission-approved form, it was verified by oath or affirmation, an executive officer of the applicant signed it, and that it contains all the information required by 16 TAC § 25.107 and the application form.

***Certification requirements***

Under 16 TAC § 25.107(d), “a person seeking certification under this section may apply to provide services under paragraph (1) or (2) of this subsection and shall designate its election in the application.” The Applicant designated its election as an Option 2 provider in Section TP-2 (Type of Certification) of the application form.

Under 25.107(c)(5) an option 2 REP application for certification that meets all other requirements of this section except for the provision of customer affidavits under subparagraph (d)(2)(I) may be conditionally granted. If such an application is conditionally granted, the applicant must, within 30 days from the date the application is granted, file in the docket the affidavit or affidavits required by subsection (d)(2)(I).

The applicant provided the customer(s) signed affidavit in a confidential filing on October 24, 2024; thus, satisfying this requirement.

***Basic requirements***

Under 16 TAC § 25.107(d)(1)(B), the Commission may not authorize more than five assumed names for a REP at one time. The applicant did not request any assumed names, so this requirement is satisfied.

Under 16 TAC § 25.107(d)(2)(B)(i), a REP business name “shall not be deceptive, misleading, vague, otherwise contrary to §25.272 of this title (relating to Code of Conduct for Electric Utilities and Their Affiliates), or duplicative of a name previously approved for use by a REP certificate holder.”

I verified that the company is registered with the Office of the Secretary of State in File No. 805727319. I also verified that the company name does not duplicate any existing REP names and is not otherwise deceptive, misleading, vague, or otherwise contrary to §25.272.

Under 16 TAC § 25.107(d)(2)(B)(i), a REP business name “shall not be deceptive, misleading, vague, otherwise contrary to §25.272 of this title (relating to Code of Conduct for Electric Utilities and Their Affiliates), or duplicative of a name previously approved for use by a REP certificate holder.” I verified the name is not deceptive, misleading or a name previously used by another REP.

Under 16 TAC § 25.107(d)(1)(E)(i)(III), a REP “shall continuously maintain an office located 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 the REP’s compliance with PURA and the commission’s rules.” The REP location may not be a post office box.

I verified that the applicant listed its required Texas office address in Section OI-4(a) of the application and it is not a post office box.

***Substantive requirement***

Under 16 TAC §25.107(j)(1), if a REP “serves customers in the service area of a TDU that is subject to a financing order pursuant to PURA §39.310, the REP shall comply with §25.108 of this title.”

I verified Trinita Power Inc., stated they will collect transition charges in Section C-1 of the application (Collection of Transition Charges) under 25.107(d)(1)(c).

**III. Conclusion**

Based on my review of the application of Trinita Power Inc., I recommend that the Commission approve the application for an Option 2 REP certificate in Texas subject to the provisions of 16 TAC § 25.107(c)(5).