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October 5, 2012

Via Electronic Filing

Rosemary Chiavetta, Secretary
PA Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

Re: PA Public Utility Commission, Bureau of Investigation and Enforcement v. Glacial Energy of Pennsylvania, Inc., Docket No. C-2012-2297092

Dear Secretary Chiavetta:

On behalf of Glacial Energy attached is its Motion to Assign Administrative Law Judge and Schedule Pre-hearing Conference and Expedited Hearing which was electronically filed with the Commission. Copies have been served in accordance with the attached Certificate of Service.

Sincerely,

A handwritten signature in cursive script that reads "Daniel Clearfield".

Daniel Clearfield

DC/lww
Enclosure

cc: Hon. Charles E. Rainey, Jr., w/enc.
Cert. of Service w/enc.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,)	
Bureau of Investigation and Enforcement,)	
Petitioner,)	
v.)	Docket No. C-2012-2297092
)	
Glacial Energy of Pennsylvania, Inc.,)	
Respondent.)	

**RESPONDENT’S MOTION TO ASSIGN ADMINISTRATIVE LAW JUDGE AND
SCHEDULE PRE-HEARING CONFERENCE AND EXPEDITED HEARING**

Respondent Glacial Energy of Pennsylvania, Inc., (“Glacial PA”) respectfully moves, pursuant to 52 Pa. Code § 5.103, that an Administrative Law Judge be appointed to decide this matter, a pre-hearing conference be scheduled as soon as practicable, and that an expedited hearing be thereafter scheduled. In support of these requests, Glacial PA states as follows:

1. Glacial Energy of Pennsylvania, Inc. is an electric generation supplier (“EGS”) as that term is defined in the Public Utility Code, 66 Pa. C.S. § 2803, and holds a duly authorized EGS license issued by the Pennsylvania Public Utility Commission (“Commission” or “PUC”), License No. A-2009-2109572.

2. On or about April 5, 2012, the Bureau of Investigation and Enforcement (“I&E”) filed a Complaint seeking revocation of Glacial PA’s license and/or a monetary penalty.

3. The Complaint alleges that Glacial PA made certain misrepresentations in its Application. In particular, the Complaint asserts:

- A. Glacial PA inaccurately answered a question asking whether a person identified in the Application has been convicted of a crime involving fraud or similar activity or been a defendant or a respondent within the prior five years in a proceeding before an administrative body or in a judicial forum dealing with business operations;
- B. Glacial PA inaccurately responded to a question asking for “Published parent company financial and credit information;” and

- C. Glacial PA inaccurately responded to a question asking for the “professional resumes” of its Chief Officers by not including information about their financial holdings.
4. Glacial PA denies all of these allegations. In general, Glacial PA asserts:
- A. No person identified in the Application been convicted of a crime involving fraud or similar activity or been a defendant or a respondent within the prior five years in a proceeding before an administrative body or in a judicial forum dealing with business operations;
 - B. Glacial PA properly provided “Published parent company financial and credit information” in the form of a Dunn and Bradstreet “Comprehensive Insight Plus Report;” and
 - C. Glacial PA provided proper “professional resumes” in that it is, at best, extremely uncommon for professional resumes to include information on financial holdings.
5. Glacial PA timely filed an Answer with New Matter¹ to which I&E timely responded. The last docket activity is May 21, 2012.
6. Since that date, the parties have met twice and had substantial email contact.
7. Initially, the parties discussed possible resolution of the matter, which has been determined to be impractical.
8. Thereafter, since early August, the parties have attempted to stipulate to the material facts such that this matter could be presented to an Administrative Law Judge without the need for further hearing or, alternatively, for a limited hearing. Those efforts have to date been unsuccessful and it is unclear whether they will be successful. Glacial PA is still interested in reaching such a stipulation notwithstanding the filing of this Motion.

¹ For reasons Glacial PA does not currently understand, its Answer does not appear on the docket although B&I’s response does.

9. The mere pendency of a Complaint seeking on its face revocation of Glacial PA's license is harming Glacial PA in the competitive marketplace and could lead to related actions by other regulators.

10. Glacial PA has been advised as of early August that the case was with the ALJ schedulers but to date Glacial PA is not aware of any assignment. The docket does not reflect any assignment.

11. For these many reasons and with this history, Glacial PA respectfully requests that an Administrative Law Judge be assigned and that a prompt hearing schedule thereafter be set.

Wherefore, based on the foregoing, Glacial PA respectfully requests that an Administrative Law Judge be assigned; a pre-hearing conference scheduled as soon as practicable, and that a prompt hearing schedule thereafter be set to resolve this matter as promptly as feasible.

Respectfully submitted,



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