



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

October 25, 2012

Rosemary Chiavetta
Pa. Public Utility Commission
2nd Floor, 400 North Street
P.O. Box 3265
Harrisburg, PA 17105

Re: Pennsylvania Public Utility Commission, Bureau of Investigation and
Enforcement v. Glacial Energy of Pennsylvania, Inc.; C-2012-2297092

Dear Secretary Chiavetta:

Enclosed please find an Answer to Respondent's Motion To Assign Administrative Law Judge and Schedule Pre-Hearing Conference and Expedited Hearing in the above referenced matter. As evidenced by the enclosed certificate of service, all parties have been served as indicated.

If you have any further questions regarding this matter, please contact me at 717-214-9594.

Sincerely,

A handwritten signature in black ink that reads "Heidi Wushinske".

Heidi Wushinske
Prosecutor

Enclosures

cc: As per Certificate of Service

RECEIVED
2012 OCT 25 PM 4:19
PA PUC
SECRETARY'S OFFICE

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF
INVESTIGATION AND ENFORCEMENT

V.

GLACIAL ENERGY OF PENNSYLVANIA, INC.

DOCKET NO: C-2012-2297092

ANSWER TO RESPONDENT'S MOTION TO ASSIGN ADMINISTRATIVE LAW
JUDGE AND SCHEDULE PRE-HEARING CONFERENCE AND EXPEDITED
HEARING

Now comes, Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement (I&E), and files this Answer to Respondent's Motion to Assign Administrative Law Judge and Schedule Pre-hearing conference and expedited hearing. I&E hereby represents as follows:

1. Admitted.
2. Admitted.
3. Admitted in part, Denied in part.
 - A. Denied.

Specifically, the Complaint alleges that Glacial was asked to:

[s]tate specifically whether the Applicant, an affiliate, a predecessor of either, or a person identified in this Application has been convicted of a crime involving fraud or similar activity. Identify all proceedings by name, subject and citation, dealing with business operations, in the last five (5) years, whether before an administrative body or in a judicial forum, in which the Applicant, an affiliate, a predecessor of either, or a person identified herein has been a defendant or a

RECEIVED
2012 OCT 25 PM 4:19
PA PUC
SECRETARY'S OFFICE

respondent. Provide a statement as to the resolution or present status of any such proceedings.

Glacial responded that neither it nor any of its entities had been cited or sanctioned for criminal activity or fraud. Glacial further responded that it “has not been a defendant or a respondent to any proceedings dealing with business operations.” Glacial did not mention its Chief Operating Officer’s, Gary Mole, involvement with Franklin.

B. Admitted.

C. Denied. Specifically, the Complaint alleged that the application also asked Glacial to list the resumes of its Chief Officers and that the resume of Gary Mole, Glacial’s Chief Operating Officer, failed to mention his involvement with Franklin

4. Admitted in part, Denied in part. It is admitted that Glacial denies the allegations listed in paragraph 3. However, I&E denies Glacial’s assertions in paragraph 4.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted in part that the parties have attempted to stipulate to material facts and that those efforts have to date been unsuccessful. I&E lacks sufficient knowledge to admit or deny Glacial PA’s interests in reaching a stipulation.

9. Denied.

The Respondent's assertion is without foundation or merit and is not a relevant policy consideration. Further, it is the responsibility of the Commission to pursue the public interest. If this requires more investigation, then so be it.

I&E filed the instant Complaint and demonstrated its good faith intention to move this matter forward by requesting that it be assigned to the OALJ. However, after that request for assignment was made, I&E received additional information that requires further investigation before this Complaint proceeding is moved to the OALJ and a litigation schedule is set. Accordingly, I&E withdrew its initial request to assign this matter to the OALJ in order to continue its investigation. Section 331 of the Public Utility Code (66 Pa.C.S. §331) gives the PUC the power to investigate the condition and management of any public utility on its own motion whenever necessary in the performance of its duties. Once this investigation is complete, I&E will promptly request that the Complaint be assigned to the OALJ. Granting this request is proper because I&E is charged with representing the public interest in matters before the OALJ. In order to effectively carry out this charge, I&E needs time to fully investigate the recently received information.

With the exception of rate base cases, the statute of limitations provides a 3 year period for resolution. (66 Pa.C.S.A. §3314). Accordingly, this Complaint is well within the allotted time frame. Glacial PA will be afforded the same procedural opportunities to present testimony and participate in evidentiary hearings regardless of whether that occurs now or a few months from now.

Accordingly, I&E withdrew its request to assign this Complaint to the OALJ so that it was afforded sufficient time to fully investigate recently received information.

10. Denied. Since the filing of Glacial's motion, an ALJ has been assigned to this matter.

11. Denied. For the reasons stated above and set forth in the letter from Johnnie Simms to Chief ALJ Charles Rainey on October 4, 2012, I&E respectfully requests that Glacial's motion for an expedited hearing schedule be denied.

WHEREFORE, for all the foregoing reasons, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that, after consideration of the record, the Office of Administrative Law Judge and the Commission deny Glacial's motion for expedited hearing.

RECEIVED
2012 OCT 25 PM 4:19
PA PUC
SECRETARY'S OFFICE

Respectfully submitted,



Heidi L. Wushinske
Prosecutor
Attorney I.D. No. 93792
717.214.9594
hwushinske@pa.go

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon the persons listed and in the manner indicated below:

Notification by first class mail addressed as follows:

Daniel Clearfield, Esq.
Robert B. Hoffman, Esq.
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, Eighth Floor
Harrisburg, PA 17101
717.237.7182
dclearfield@eckertseamans.com
rhoffman@eckertseamans.com

Suede G. Kelly
George D. (Chip) Cannon, Jr.
Suthima Malayaman
Patton Boggs LLP
2550 M. Street NW
Washington, DC 20037
202.457.6000
skelly@pattonboggs.com
ccannon@pattonboggs.com
smalayaman@pattonboggs.com

Glacial Energy of Pennsylvania, Inc.
Attention Gary Mole
5326 Yacht Have Grande
Box 36
St. Thomas, V.I. 00802

Business Filings Incorporated
Attention Joel Glassman
116 Pine Street
Suite 320
Harrisburg, PA 17101

RECEIVED
2012 OCT 25 PM 4:19
PUC
SECRETARY'S OFFICE

Heidi L. Wushinske

Heidi L. Wushinske
Prosecutor
Attorney ID #93972
(Counsel for Pennsylvania Public Utility
Commission)

P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-5000

Dated: October 25, 2012

RECEIVED
2012 OCT 25 PM 4:19
PUC
SECRETARY'S OFFICE

Wayne T. Scott
First Deputy Chief Prosecutor
Attorney I.D. No. 29133
717.783.6150
wascott@pa.gov

Counsel for the Pennsylvania
Public Utility Commission
Bureau of Investigation and Enforcement

P.O. Box 3265
Harrisburg, PA 17105
(717) 787-5000

Dated: October 25, 2012