



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

IN REPLY PLEASE
REFER TO OUR FILE

Bp8# 2297092

December 14, 2012

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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 The Bureau of Investigation and Enforcement's Prehearing Conference Memorandum in the above referenced matter. Copies have been served on the parties as indicated in the attached certificate of service.

Sincerely,

Heidi L. Wushinske, Prosecutor
Bureau of Investigation and Enforcement

Enclosures

cc. Per Certificate of Service

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**PREHEARING CONFERENCE MEMORANDUM OF THE PUBLIC UTILITY
COMMISSION**

Pursuant to the Prehearing Conference Order issued by the Honorable David A. Salapa on November 21, 2012, the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission) files this initial prehearing conference memorandum.

A. Service List

The following is the Commission's entry on the service list in this matter:

Heidi L. Wushinske
Prosecutor
Bureau of Investigation and Enforcement
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
Phone: (717) 214-9594
Fax: (717) 783-3458
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B. Possible Settlement

The parties have engaged in settlement negotiations. To date, these negotiations have not been successful. I&E is willing to continue settlement discussions if it seems that they would be productive.

C. Proposed Plan and Schedule of Discovery

The parties are still attempting to work out their discovery disputes informally. Should informal resolution prove unsuccessful, I&E proposes the following schedule for discovery:

Glacial file any motion to compel regarding its first set of interrogatories on or before January 4, 2013.

I&E provide answers and documents as directed in any motion to compel granted by ALJ Salapa.

I&E file any motion to compel regarding its first set of interrogatories on or before January 11, 2013.

Glacial provide answers and documents as directed in any motion to compel granted by ALJ Salapa.

The parties serve any additional interrogatories and requests for production of documents by January 22, 2013.

Discovery be completed by February 15, 2013.

D. Other Proposed Orders with respect to discovery

At this point, the parties are attempting to informally work out their discovery disputes. I&E would like to reserve the right to propose orders with respect to discovery in the future, should attempts at resolving these matters informally fail.

E. Proposed schedule for the submission of written testimony, conducting an in-person hearing, and submission of briefs

Submission of written testimony	March 1, 2013
Rebuttal testimony	April 15, 2013
Surrebuttal testimony	April 29, 2013
Evidentiary hearings	May 6,7,8, 2013

Close of record
Main briefs

May 8, 2013
June 7, 2013

F. Witnesses

I&E intends to call the following witnesses:

Scott Granger
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 425-7593

Mr. Granger will testify as to the Commission's regulations, the requirements of the "application to offer, render, furnish, or supply electricity or electricity generation services to the public in the Commonwealth of Pennsylvania," and how Glacial's application was inadequate, deficient and/or misleading.

Roger McAuley
15085 Huntington Gates Dr.
Poway, CA 92064
(415)-305-8488

Mr. McAuley's testimony will focus on Gary Mole's role and involvement with Franklin Power.

Michael V. Petras
24269 Dawnridge Dr.
Los Altos Hills, CA 94024
(650) 862-6320

Mr. Petras's testimony will focus Gary Mole's role and involvement in Franklin Power.

I&E would like to reserve the right to call additional witnesses, should new information come to light in this matter.

G. Issues and sub-issues

The issues in this case are as follows:

- A. that the Application, in response to the "compliance question" (#16), should have disclosed the existence of the Complaint of TXU Energy Delivery

Company and CenterPoint Houston Energy, LLC, to Revoke Retail Electric Service Provider Certificate No. 10068 of Energy West Resources, LTD, PUC Final Order, consolidated at PUCT Docket No. 31166 (July 17, 2006);

- B. that this disclosure should have been made because Gary Mole, Glacial's Chief Operating Officer, is a person identified in the application and either Mr. Mole, an affiliate, or predecessor of either was a defendant or respondent before an administrative body (PUC Texas);
- C. sub-issues include Mr. Mole's role and involvement with Franklin Power, the subsequent creation of Glacial Energy, and Gary Mole's failure to include his involvement with Franklin Power anywhere on Glacial Pa's application, including but not limited to Mr. Mole's resume and attachment 8 of the Pennsylvania application;
- D. sub-issues also include Glacial's failure to identify Franklin Power as a predecessor of the applicant, Glacial Energy, in response to Question No. 1 of the application.

H. Evidence

At this time, I&E intends to offer the following evidence:

- A. Relating to issue "A" above, I&E intends to offer the Complaints of TXU Energy Delivery Company and CenterPoint Houston Energy, LLC, to Revoke Retail Electric Service Provider Certificate No. 10068 of Energy West Resources, LTD, PUC Final Order, consolidated at PUCT Docket No. 31166 (July 17, 2006) and supporting documentation.
- B. Regarding issue "B" above, I&E intends to offer the complaint referenced above and Glacial PA's application to offer, render, furnish, or supply electricity or electricity generation services to the public in the Commonwealth of Pennsylvania. I&E also intends to offer the testimony of Scott Granger.

Regarding the sub-issues identified in "C" and "D" above, I&E intends to offer corporate documents and correspondence regarding and relating to Franklin Power and Glacial Energy, as well as the testimony of Michael V. Petras and Roger McAuley. .

Respectfully submitted,

Heidi L. Wushinske

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DATED: December 14, 2012

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CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing documents in accordance with the requirements of 52 Pa. Code § 1.54 *et seq.* (relating to service by a participant).

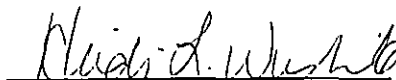
Notification by email addressed as follows:

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The Honorable David Salapa
Office of Administrative Law Judge
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Heidi L. Wushinske
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Attorney ID #93972
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Dated: December 14, 2012

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