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January 17, 2013

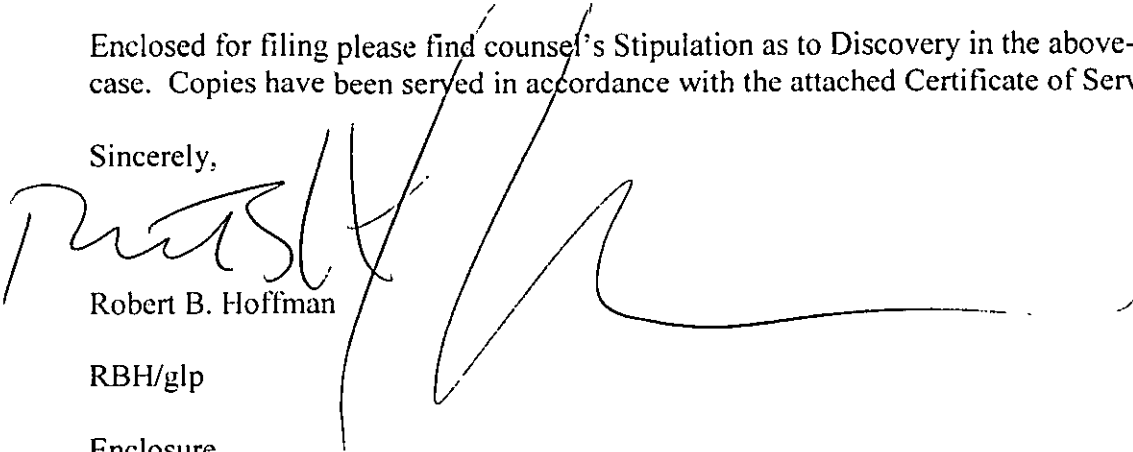
Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

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

Dear Secretary Chiavetta:

Enclosed for filing please find counsel's Stipulation as to Discovery in the above-referenced case. Copies have been served in accordance with the attached Certificate of Service.

Sincerely,



Robert B. Hoffman

RBH/glp

Enclosure

cc: Cert. of Service w/enc.

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, )  
Bureau of Investigation and Enforcement )  
Petitioner, )  
v. )  
Glacial Energy of Pennsylvania, Inc. )  
Respondent. )

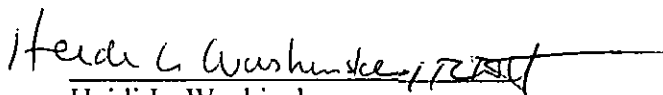
Docket No. C-2012-2297092  
(Judge Salapa)

**STIPULATION AS TO DISCOVERY**

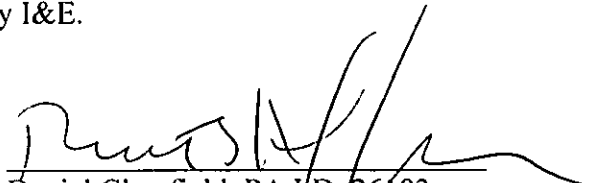
The parties hereto, the Public Utility Commission Bureau of Investigation and Enforcement (“I&E”) and Glacial Energy of Pennsylvania, Inc. (“Glacial PA”), agree to the following in resolution of Glacial PA’s position that I&E’s objections and answers to Glacial PA’s discovery, first set, were improper.

1. I&E contends as a basis for its assertion that Glacial Energy of Pennsylvania, Inc., (“Glacial PA”) violated 66 Pa. C.S. § 2509(b) and 52 Pa. Code § 1.35(c):
  - 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, 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. Mr. Mole's failure to disclose his affiliation with Franklin on his resume and the omission of Franklin in the “History section” of the [Dunn & Bradstreet Report, which was Attachment 8 to the Glacial Application] document goes toward the overall intention to conceal Mr. Mole's affiliation with Franklin.
  
2. Glacial PA contends in response that Franklin was not an affiliate or predecessor of Glacial PA; that Gary Mole had no direct financial interest in Franklin; and that Gary Mole was not an officer or director of Franklin, nor did he manage the day-to-day activities of Franklin. More specifically, Glacial PA asserts the following factual assertions and/or defenses with respect to Mr. Mole’s indirect ownership interests and experience with Franklin:
  - A. that Touchdown Properties, LLC, a corporation wholly owned by Mr. Mole, acquired 60% of Franklin’s shares of stock;

- B. that Franklin Power Company was already operating as a PUC-TX licensed retail electric provider in Texas when Touchdown Properties, LLC, acquired that interest in Franklin;
  - C. that Touchdown was a passive investor in Franklin; that Touchdown did not provide the initial capitalization of Franklin; and that neither Touchdown nor its sole member, Gary Mole, managed Franklin's day-to-day business activities;
  - D. that Gary Mole never held an officer or director position in Franklin; and the loss of Franklin's REP license in Texas was not attributable to any actions or inactions of Mr. Mole;
  - E. that during the time Touchdown owned stock in Franklin, Mr. Mole's primary and full-time occupation was managing his separate consulting business, EUC/USA;
  - F. that none of Glacial PA, its affiliates, a predecessor of either, or any person identified in the Application had been either (i) convicted of a crime involving fraud or similar activity at the time the Application was filed, or (ii) a defendant or respondent in any administrative or judicial proceedings "dealing with business operations" at the time the Application was filed;
  - G. that neither Franklin nor Energy West Resources, LTD, was an affiliate or predecessor of Glacial PA; and
  - H. that Glacial PA had no obligation to disclose Gary Mole's indirect ownership interest in Franklin in the Application.
3. I&E will timely provide to Glacial PA any information or documents it has acquired to date, or hereafter acquires, that dispute any of the factual assertions or defenses by Glacial PA, as set forth in ¶ 2(A-H), or support any of the contentions by BIE, as set forth in ¶ 1(A-C), without the need for any further request by Glacial PA.
  4. Glacial PA will timely provide to I&E any information or documents it acquires that support any of the factual assertions or defenses by Glacial PA, as set forth in ¶ 2(A-H), without the need for any further request by I&E.



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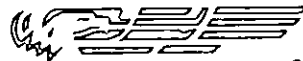
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