



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

IN REPLY PLEASE
REFER TO OUR FILE

April 18, 2013

Secretary Rosemary Chiavetta
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.
Docket No. C-2012-2297092

Dear Secretary Chiavetta:

Enclosed please find an original copy of the Bureau of Investigation and
Enforcement's Application for Subpoena of Michael V. Petras in the above-referenced
proceeding.

Copies are being served on all active parties of record. If you have any questions,
please contact me at (717) 772-8839.

Sincerely,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No 207522

Enclosure

cc: As per certificate of service
Hon. David A. Salapa

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement,
Complainant

v.

Glacial Energy of Pennsylvania, Inc.,
Respondent

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: Docket No. C-2012-2297092
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NOTICE TO PLEAD

Pursuant to 52 Pa. Code §5.421(b), the Bureau of Investigation & Enforcement of the Pennsylvania Public Utility Commission (Commission) has filed an Application for Subpoena in the above-referenced matter. You are hereby notified that you may file a written response or objection within ten (10) days of service of the Application, pursuant to 52 Pa. Code §5.421(b)(3). An original copy of your response must be sent to:

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

A copy must also be served on the presiding officer and undersigned counsel.



Stephanie M. Wimer, Prosecutor
PA Attorney ID No 207522

Heidi L. Wushinske, Prosecutor
PA Attorney ID No 93792

Wayne T. Scott, First Deputy Chief Prosecutor
PA Attorney ID No 29133

Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Dated: April 18, 2013

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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SECRETARY'S OFFICE

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

APPLICATION FOR SUBPOENA

AND NOW comes the Pennsylvania Public Utility Commission's ("Commission") Bureau of Investigation and Enforcement ("I&E") and files this Application to Subpoena Michael V. Petras to testify at the hearing scheduled in the above captioned case, pursuant to 52 Pa. Code § 5.421. In support thereof, I&E avers as follows:

1. I&E filed a Complaint against Glacial Energy of Pennsylvania, Inc. ("Glacial") on April 5, 2012, and an Amended Complaint on March 5, 2013.
2. Of pivotal importance in this case is the failure to disclose and discuss Gary Mole's involvement with Franklin Power Company ("Franklin") on Glacial's EGS Application.
3. In addition, Glacial has raised the issue of the nature of Gary Mole's position and relationship with Franklin and has therefore made this issue relevant. *See* Glacial Answer and New Matter ¶¶ 11, 13, 14, 16, 19, 20, 21, 33, 36, 37, 38, and 40; *see also* Glacial Motion for Summary Judgment and Brief at 6, 9.

4. Michael V. Petras is a former employee of Franklin who worked closely with Gary Mole.

5. Mr. Petras' testimony is material to the resolution of this case because he has first person knowledge of Gary Mole's position and relationship with Franklin, including Gary Mole's appointment to Franklin's Board of Directors, day-to-day activities with Franklin, the capitalization of Franklin, and Mr. Mole's involvement with the demise of Franklin.

6. I&E has submitted the pre-filed written testimony of Michael V. Petras, and therefore, the appearance of Mr. Petras at the hearings scheduled in this matter is essential so that his testimony may be admitted formally into the record.

7. The testimony of Mr. Petras is material to substantiate I&E's position and to refute Glacial's defenses.

8. A proposed subpoena of Mr. Petras has been included with this Application.

WHEREFORE, for all the foregoing reasons, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that the this Honorable Administrative Law Judge issue a Subpoena requiring Michael V. Petras to attend the hearings in this matter scheduled for May 7 and 8, 2013.

Respectfully submitted,

Heidi L. Wushinske /SMW/
Heidi L. Wushinske
Prosecutor
PA Attorney ID No 93792

Stephanie M. Wimer
Prosecutor
PA Attorney ID No 207522

Wayne T. Scott
First Deputy Chief Prosecutor
PA Attorney ID No 29133

Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-5000

Date: April 18, 2013

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COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of:
Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement
v.
Glacial Energy of Pennsylvania, Inc.

Docket No. C-2012-2297092

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SUBPOENA

To: Michael V. Petras, 24269 Dawnridge Drive, Los Altos Hills, CA 94024
(Name and Address)

Pursuant to the authority of this Commission under §§309, 331(d)(2) and 333(j) of the Public Utility Code:

1. YOU ARE ORDERED by the Commission to come to Hearing Room 2,
Plaza Level, Commonwealth Keystone Building, 400 North Street, at Harrisburg
Pennsylvania, on May 7 and 8, 2013, at 10:00 o'clock each day, in the above case,
to testify on behalf of the Bureau of Investigation and Enforcement and to remain until excused;

2. And bring with you and produce the following: (1) all documents identifying or relating any information pertaining to Gary Mole's role as a director and officer of Franklin Power Company, also known as Energy West Resources, Ltd, d/b/a Franklin Power Company, his management of the day-to-day business activities of Franklin Power Company and his role as a majority shareholder of Franklin Power Company; and (2) all documents relating any information pertaining to Gary Mole's regulatory experience in Texas with both Franklin Power Company and Glacial Energy of Texas, Inc.

This subpoena is issued subject to the provisions of 52 Pa. Code §5.421 (with regard to issuance, notice, service and witness fees).

BY THE COMMISSION

Date _____

David A. Salapa
Administrative Law Judge

Commonwealth of Pennsylvania)
) SS:
Count of)

AFFIDAVIT OF SERVICE

Before me, the undersigned authority, personally appeared _____
who, being duly sworn according to law, deposes and says that he/she served a true and correct
copy of the within SUBPOENA upon _____
by handing the same to him/her at _____ on the
_____ day of _____, 20____ at _____ a.m./p.m.

(Signature)

Sworn to and subscribed before me
this _____ day of _____, 20____

Notary Public

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Pennsylvania Public Utility Commission,
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v.

Glacial Energy of Pennsylvania, Inc.,
Respondent

Docket No. C-2012-2297092

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing Application for Subpoena, either personally, by first class mail, electronic mail, express mail and/or fax upon the persons listed below, in accordance with the requirements of 52 Pa. Code §§5.421(b)(4) and 1.54 *et seq.* (relating to service by a party).

Service by First Class Mail:

Robert B. Hoffman, Esquire
Daniel Clearfield, Esquire
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, Eighth Floor
Harrisburg, PA 17101

Joel Glassman
Business Filings, Inc.
116 Pine Street, Suite 320
Harrisburg, PA 17101

John McGahren, Esquire
Stephanie Feingold, Esquire
Patton Boggs LLP
The Legal Center
One Riverfront Plaza
1037 Raymond Blvd., Suite 600
Newark, NJ 07102



Stephanie M. Wimer
Prosecutor

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
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