



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 Gary Mole 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.	:	Docket No. C-2012-2297092
	:	
Glacial Energy of Pennsylvania, Inc.,	:	
Respondent	:	

**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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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 Gary Mole 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. In its Complaint, I&E stated that:

Glacial's application to the Commission was not grounded in fact or was signed by a representative of Glacial without knowing the contents thereof, in that Glacial's vice president signed and verified the application and did not disclose that Gary Mole (Glacial's Chief Operate Officer) formerly had ownership interests and experience with company(s) that have had certifications revoked, namely Franklin Power Company or Energy West Resources.

3. 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.

4. Furthermore, Glacial has raised the issue of Gary Mole's position and the nature of Mr. Mole's 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.

5. Gary Mole's testimony is material to the resolution of this case. In multiple pleadings, Glacial has raised the defense that Gary Mole was merely a passive investor with "ownership interests" in Franklin and as such, was not required to disclose his involvement with Franklin or his regulatory experience in Texas.

6. I&E has submitted testimony and documentary evidence showing that the nature of Gary Mole's position with Franklin is disputed. The testimony of Gary Mole himself is necessary to resolve this disputed material issue.

7. The scope of testimony I&E seeks from Gary Mole includes: Gary Mole's position and involvement with Franklin, Gary Mole's regulatory experience in Texas, Gary Mole's formation of Glacial, and the extent to which Gary Mole was involved with preparing Glacial's Pennsylvania EGS application.

8. A proposed subpoena of Mr. Mole 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 Gary Mole to attend the hearings in this matter scheduled for May 7 and 8, 2013.

Respectfully submitted,

*Heidi L. Wushinske /SHW/*

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  
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COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

**In the Matter of:**

**Docket No.** C-2012-2297092

Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement

v.

Glacial Energy of Pennsylvania, Inc.

**SUBPOENA**

To: Gary Mole, 5326 Yacht Have Grande, Box 36, St. Thomas, V.I. 00802

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 your role as a director and officer of Franklin Power Company, also known as Energy West Resources, Ltd, d/b/a Franklin Power Company, your management of business activities of Franklin Power Company and your role as a majority shareholder of Franklin Power Company; (2) all documents relating any information pertaining to the formation of Glacial Energy Holdings; (3) all documents relating any information pertaining to your regulatory experience in Texas with both Franklin Power Company and Glacial Energy of Texas, Inc.; and (4) all documents identifying or relating any information pertaining to your involvement with preparing Glacial Energy of Pennsylvania, Inc.'s EGS application.

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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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

v.

Glacial Energy of Pennsylvania, Inc.,  
Respondent

Docket No. C-2012-2297092

**CERTIFICATE OF SERVICE**

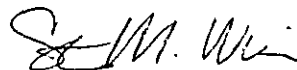
I hereby certify that I am this day serving a true copy of the foregoing Application for Subpoena, either personally, by first class mail, electronic mail, express mail and/or fax upon the persons listed below, in accordance with the requirements of 52 Pa. Code §§5.421(b)(4) and 1.54 *et seq.* (relating 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  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 787-5000

Dated: April 18, 2013

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