



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

ATTACHMENT 1

**COPY**

April 5, 2012

Rosemary Chiavetta  
Pa. Public Utility Commission  
2<sup>nd</sup> 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.; Docket No.  
C-2012-2297092

Dear Secretary Chiavetta:

Enclosed for filing are an original and three (3) copies of the Formal Complaint on behalf of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission in the above-referenced case. Copies have been served on the parties of record in accordance with the Certificate of Service.

If you have any questions on this matter, please call me at 717-214-9594.

Sincerely,

A handwritten signature in cursive script that reads "Heidi L. Wushinske".

Heidi L. Wushinske  
Prosecuting Attorney  
Attorney ID No. 93792

Counsel for the Bureau of  
Investigation and Enforcement

Enclosures

cc: As per Certificate of Service

**COPY**

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 :

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**FORMAL COMPLAINT**

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NOW COMES the Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement (I&E), by its counsel, pursuant to Section 701 of the Public Utility Code, 66 Pa. C.S. §701, and files this Formal Complaint against Glacial Energy of Pennsylvania, Inc. (“Glacial” or “Respondent”), alleging violations of the Public Utility Code. In support of its Formal Complaint, I&E respectfully represents the following:

**PARTIES AND JURISDICTION:**

1. The Pennsylvania Public Utility Commission (Commission), with a mailing address of P.O. Box 3265, Harrisburg, PA, 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§101, *et seq.*

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa. C.S. §308.2(a)(11). Complainant's counsel are as follows:

Heidi L. Wushinske  
Prosecutor  
[hwushinske@pa.gov](mailto:hwushinske@pa.gov)  
717.214.9594

Wayne T. Scott  
First Deputy Chief Prosecutor  
[wascott@pa.gov](mailto:wascott@pa.gov)  
717.783.6150

Counsel for the Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

3. Respondent is Glacial Energy of Pennsylvania, Inc., an electric generation supplier, with offices located at 2602 McKinney Avenue #220, Dallas, TX 75204, attention Gary Mole, and a main mailing address of 5326 Yacht Have Grande, Box 36, St. Thomas, V.I. 00802, attention Gary Mole. Glacial's registered agent in Pennsylvania is Business Filings Incorporated, 116 Pine Street, Suite 320, Harrisburg, PA 17101, attention Joel Glassman.

4. Glacial is an "electric generation supplier" as that term is defined as that term is defined in the Public Utility Code at 66 Pa. C.S. §2803.<sup>1</sup>

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<sup>1</sup> At 66 Pa. C.S. §2803, "Electric generation supplier" is defined under that term as:

[a] person or corporation, including municipal corporations which choose to provide service outside their municipal limits except to the extent provided prior to the effective date of this chapter, brokers and marketers, aggregators or any other entities, that sells to end-use customers electricity or related services utilizing the jurisdictional transmission or distribution facilities of an electric distribution company or that purchases, brokers, arrange

5. Section 501(a) of the Public Utility Code, 66 Pa. C.S. §501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

6. Section 701 of the Public Utility Code, 66 Pa. C.S. §701, authorizes the Commission, *inter alia*, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

7. Section 3301 of the Public Utility Code, 66 Pa. C.S. §3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations. Section 3301 further allows for the imposition of a separate fine for each day's continuance of such violation(s).

8. Respondent, in providing electric generation supply service for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa. C.S. §501(c), which requires any persons or corporations subject to the provisions of that part to comply with Commission orders.

9. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

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or markets electricity or related services for sale to end-use customers utilizing the jurisdictional transmission and distribution facilities of an electric distribution company.

## BACKGROUND:

10. On February 28, 2006, the Public Utility Commission of Texas (PUCT) revoked Franklin Power Company's (Franklin) (formerly Energy West Resources, Ltd, d/b/a/ Franklin Power Company) retail electric provider (REP) certification for failure to maintain the financial requirements required by the PUCT and for failing to timely remit payments for invoiced charges to a transmission and distribution utility (TDU) pursuant to the terms of the relevant tariffs.<sup>2</sup>

11. Gary Mole, Glacial's Chief Operating Officer, held an ownership interest in Franklin Power.<sup>3</sup>

12. On April 22, 2009, Glacial submitted to the Commission an application for approval as an electric generation supplier.

13. In its application, Glacial was asked to describe its compliance history. Specifically, it 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 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

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<sup>2</sup> *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*, Final Order, Docket No. 31166 (July 17, 2006).

<sup>3</sup> *See Energy West's Amendment to its Retail Electric Provider Certification*, Docket No. 29055 (Jan. 20, 2004), reflecting a change in owner and Texas address to add the d/b/a/ Franklin Power Company.

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.

14. The application also asked Glacial to list the resumes of its Chief Officers. The resume of Gary Mole, Glacial’s Chief Operating Officer, failed to mention his involvement with Franklin. *Docket No. A-2009-2109572, Attachment 9.*

15. Additionally, Glacial attached to its application, a Dunn & Bradstreet Report, which stated in its History section regarding Gary Mole “antecedents are undetermined.” *Docket No. A-2009-2109572, Attachment 8.*

16. In no way did the April 22, 2009 application filed with the Commission by Glacial disclose Gary Mole’s former ownership interests and experience with Franklin, including Glacial’s responses to requests for admissions and information in its application. The application also failed to disclose the complaints filed against Energy West in Texas for failure to satisfy financial obligations, which resulted in the revocation of its certificate.<sup>4</sup>

17. Joel Glassman, Vice President of Corporate Development for Glacial, signed Glacial’s Pennsylvania application, which stated that he believed the facts in the application to be true and correct to the best of his knowledge, information, and belief. *Docket No. A-2009-2109572.*

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<sup>4</sup>See *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*, Docket No. 31166 (May 27, 2005).

**VIOLATIONS:**

**COUNT ONE**

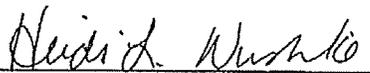
18. All allegations in paragraphs 1-17 are incorporated as if fully set forth herein.

19. 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.

This is a violation of 66 Pa. C.S. § 2809(b) and 52 Pa. Code § 1.35(c).

**WHEREFORE**, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that, after consideration of the record, the Office of Administrative Law Judge and the Commission find Glacial in violation of each and every above-cited statute and regulation, and revoke Glacial's certificate of public convenience.

Respectfully submitted,



Heidi L. Wushinske  
Prosecutor  
Attorney # 93792  
717.214.9594  
[hwushinske@pa.gov](mailto:hwushinske@pa.gov)

Wayne T. Scott  
First Deputy Chief Prosecutor  
Attorney # 29133  
717.783.6150  
[wascott@pa.gov](mailto:wascott@pa.gov)

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

Date: April 5, 2012

## CERTIFICATE OF SERVICE

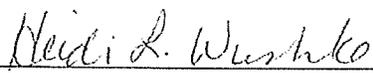
I hereby certify that I am this day serving the foregoing document upon the persons listed and in the manner indicated below:

**Notification by first class mail addressed as follows:**

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

Glacial Energy of Pennsylvania, Inc.  
Attention Gary Mole  
2602 McKinney Avenue #220  
Dallas, TX 75204

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

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

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

Dated: April 5, 2012



Eckert Seamans Cherin & Mellott, LLC  
213 Market Street  
8<sup>th</sup> Floor  
Harrisburg, PA 17101

TEL 717 237 6000  
FAX 717 237 6019  
www.eckertseamans.com

Daniel Clearfield  
717.237.7173  
dclearfield@eckertseamans.com

April 30, 2012

**VIA ELECTRONIC FILING**

Rosemary Chiavetta  
Secretary  
Pennsylvania Public Utility Commission  
Keystone Bldg., Room 201N  
400 North Street  
Harrisburg, PA 17102

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

Dear Secretary Chiavetta:

On behalf of Glacial Energy of Pennsylvania, Inc., please find its original Answer and New Matter along with the electronic filing confirmation page with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

If you have any questions regarding this filing, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Daniel Clearfield".

Daniel Clearfield

DC/jls  
Enclosures

cc: Certificate of Service (w/enc)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

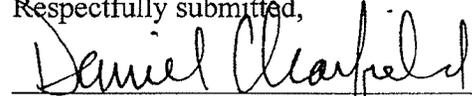
Pennsylvania Public Utility Commission,	)	
Bureau of Investigation and Enforcement	)	
Petitioner,	)	
	)	
v.	)	Docket No. C-2012-2297092
	)	
Glacial Energy of Pennsylvania, Inc.	)	
Respondent.	)	

**NOTICE TO PLEAD**

To the Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement:

You are hereby notified to plead to the New Matter within 20 days or judgment may be entered against you.

Respectfully submitted,



Daniel Clearfield, PA I.D. 46183  
Robert B. Hoffman, PA I.D. No. 23846  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, Eighth Floor  
Harrisburg, PA 17101  
Tel: (717) 237-7182  
dclearfield@eckertseamans.com  
rhoffman@eckertseamans.com

Sudeen G. Kelly  
George D. (Chip) Cannon, Jr.  
Suthima Malayaman  
Patton Boggs LLP  
2550 M Street NW  
Washington, DC 20037  
Tel: (202) 457-6000  
skelly@pattonboggs.com  
ccannon@pattonboggs.com  
smalayaman@pattonboggs.com

*Attorneys for Glacial Energy of  
Pennsylvania, Inc.*

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**ANSWER AND NEW MATTER OF GLACIAL ENERGY OF PENNSYLVANIA, INC.**

Pursuant to 52 Pa. Code § 5.61, Glacial Energy of Pennsylvania, Inc. (“Glacial”) hereby answers the Formal Complaint of the Pennsylvania Public Utility Commission (the “Commission”), Bureau of Investigation and Enforcement (the “BIE”), as follows:

**Parties And Jurisdiction**

1. The averments of Paragraph 1 are admitted.
2. The averments of Paragraph 2 are admitted.
3. The averments of Paragraph 3 are admitted with the exception that Joel Glassman is no longer employed by Glacial. By way of further answer, Glacial states that the contact for purposes of Glacial’s registered agent in Pennsylvania is Business Filings Incorporated.
4. Paragraph 4 states a legal conclusion that requires no response.
5. Paragraph 5 states a legal conclusion that requires no response.
6. Paragraph 6 states a legal conclusion that requires no response.
7. Paragraph 7 states a legal conclusion that requires no response.
8. Paragraph 8 states a legal conclusion that requires no response.
9. Paragraph 9 states a legal conclusion that requires no response.

## **Background**

10. The actions taken by the Public Utility Commission of Texas (“PUCT”) as to Franklin Power Company (“Franklin”) are set forth in the PUCT’s February 28, 2006 order, which speaks for itself as to its contents.

11. The averments of Paragraph 11 are admitted. By way of further answer, and as discussed below in responses to Paragraphs 13 and 14, Mr. Mole had an indirect, partial ownership interest in Franklin and at no point managed Franklin’s day-to-day business affairs or served as an officer or director of Franklin.

12. The averments of Paragraph 12 are admitted.

13. Glacial admits that Paragraph 13 sets forth the text of Question 16 of the Application; that its response included the quoted material; that its response further stated that neither Glacial Energy Holdings nor any of the Glacial entities had been cited or sanctioned for criminal activity or fraud; and that its response does not reference Mr. Mole’s indirect ownership interest in Franklin. By way of further answer, Glacial believes, and therefore avers, that Question 16 of the Application does not require disclosure of Mr. Mole’s indirect partial ownership interest in Franklin. To the contrary, Question 16 requires disclosure as to Mr. Mole of any “convict[ions] of a crime involving fraud or similar activity” and any administrative or judicial proceedings “dealing with business operations” in which he had “been a defendant or a respondent.” Accordingly, Glacial’s response to Question 16 properly did not disclose Mr. Mole’s indirect, partial ownership interest in Franklin.

14. Glacial admits that Question 19(B) of the Application requested the Applicant’s chief officers’ names and their professional resumes and that Mr. Mole’s indirect investment in Franklin was not described in Mr. Mole’s resume. By way of further answer, Glacial believes, and therefore avers, that there is no legal requirement or practice that a professional resume

provide information on an individual's financial interests. Rather, a resume provides information on the professional positions the individual in question has held. Since Mr. Mole at no time held a position with Franklin nor otherwise managed its day-to-day business activities, information describing his relationship to Franklin was appropriately not included on the resume.

15. Glacial admits that it attached the referenced Dunn & Bradstreet ("D&B") report (entitled "D&B Comprehensive Insight Plus Report") to its Application and that it did so in response to the portion of Question 19 requesting "Published parent company financial and credit information." Any information in the D&B report not related to "parent company financial and credit information" was irrelevant to the response and was included only so as to provide the entire, rather than a redacted, report. By way of further answer, Glacial is not aware of the basis for D&B's statement or of its precise meaning but assumes it accurately sets forth D&B's knowledge as of that time and believes the report was properly submitted.

16. Glacial admits that the Application does not disclose Gary Mole's ownership interest in Franklin nor his "experience" with Franklin. (For purposes of this response, Glacial interprets the term "experience" in Paragraph 16 as being synonymous with "involvement with.") By way of further answer, Glacial believes and therefore avers that Question 16 of the Application does not require disclosure of Mr. Mole's indirect, partial ownership interest in Franklin. To the contrary, Question 16 requires disclosure as to Mr. Mole of any "convict[ions] of a crime involving fraud or similar activity" and any administrative or judicial proceedings "dealing with business operations" in which he had "been a defendant or a respondent." Glacial further admits that the Application does not disclose "Glacial's responses to requests for admissions and information in its Application." Glacial has received no requests for admissions and information with respect to Franklin. Assuming the "responses" being referenced are those that Glacial Energy of Texas, Inc., not Glacial, prepared in connection with Investigation No.

2011050001 conducted by the PUCT (hereinafter “Texas Responses”) and that the “Application” being referenced is Glacial’s April 22, 2009 Application filed with this Commission, Glacial states that the Texas Responses were submitted on or about June 1, 2011 and thus postdate Glacial’s Pennsylvania Application by more than two years. Glacial further admits that the Application does not disclose complaints against Energy West Resources, Ltd. (“Energy West”). Glacial notes that Energy West is the same entity, under a different name, as Franklin. Nothing in the Application required the disclosure of complaints, if any, against Energy West/Franklin. By way of further answer, the Glacial employees who prepared and signed the Application did so in good faith and based on their understanding of what was required by the relevant questions, including Question 16.

17. The averments of Paragraph 17 are admitted.

**Asserted Violations**

18. Glacial incorporates herein its responses to Paragraphs 1-17.

19. Paragraph 19 states legal conclusions that require no responses. Glacial denies that its Application “was not grounded in fact.” In fact, Glacial believes and therefore avers that the factual information set forth in the Application is accurate and strict proof to the contrary is demanded at hearing. By way of further answer, Question 16 of the Application does not require disclosure of Mr. Mole’s indirect, partial ownership interest in Franklin. To the contrary, Question 16 requires disclosure as to Mr. Mole of any “convict[i]ons of a crime involving fraud or similar activity” and any administrative or judicial proceedings “dealing with business operations” in which he had “been a defendant or a respondent.” By way of further answer, Glacial believes and therefore avers the Glacial employees involved with the Application, including Joel Glassman, the former employee who signed the Application, did so in good faith

and based on their understanding of what was required by the relevant questions, including Question 16.

WHEREFORE, for the foregoing reasons, Glacial respectfully requests that the Formal Complaint be denied.

**NEW MATTER**

20. Mr. Mole's indirect partial ownership interest in Franklin was not required to be disclosed to the Commission on the basis that Question 16 of the Application requested information regarding a "convict[ion]of a crime involving fraud or similar activity."

21. Mr. Mole's indirect partial ownership interest in Franklin was not required to be disclosed to the Commission on the basis that Question 16 of the Application requested information regarding whether Mr. Mole had been a defendant or respondent in a judicial or administrative proceeding dealing with business operations.

22. The responses to Question 16 of the Application as to Mr. Mole were accurate.

23. 66 Pa.C.S. § 2809(b) does not authorize the imposition of any penalty against an electric generation supplier ("EGS"), including revocation of an EGS's certificate of public convenience.

24. Glacial's actions in submitting the Application do not constitute a violation of 66 Pa.C.S. § 2809(b).

25. 52 Pa. Code § 1.35(c) does not authorize the revocation of an EGS's certificate of public convenience.

26. Glacial's actions in submitting the Application do not constitute a violation of 52 Pa. Code § 1.35(c).

27. 52 Pa. Code § 1.35(c) is inapplicable to the Application at issue herein. To the contrary, it is limited to practice and procedure in litigated matters before the Commission.

28. No provision of the Public Utility Code or regulations sets forth the required content of a professional resume.

29. As a matter of practice, professional resumes do not commonly disclose the individual's financial status, including ownership interests.

30. Glacial submitted the "D&B Comprehensive Insight Plus Report" with its Application in response to the portion of Question 19 requesting "Published parent company financial and credit information." Any information in the D&B report other than related to financial and credit information was irrelevant to the response and was included only so as to provide the entire, rather than a redacted, report.

31. Glacial respectfully states its view that, had the Commission been apprised of the relevant facts regarding Mr. Mole's indirect financial interest in Franklin, it would have determined to grant the Application.

32. Even if the Commission were to conclude that information about Mr. Mole's indirect financial interest was required to be disclosed, revocation of licensure would be an improper and disproportionate penalty.

33. Mr. Mole never personally or directly owned any shares in Franklin.

34. Franklin was previously licensed by the PUCT to operate as a retail electric provider ("REP") in Texas.

35. Energy West, which later changed its name to name to Franklin, was incorporated in February 2000 and submitted its REP license application on February 28, 2003.

36. On or about November 23, 2003, Touchdown Properties, LLC ("Touchdown"), acquired 60% of Franklin's shares of stock. Mr. Mole was Touchdown's sole shareholder.

37. Franklin was already operating as a PUCT-licensed REP in Texas when Touchdown invested in Franklin. Touchdown was purely a passive investor in Franklin.

Touchdown did not provide the initial capitalization of Franklin, and did not manage its day-to-day business activities.

38. At no point did Mr. Mole ever hold an officer or director position in Franklin nor did he manage the day-to-day business activities of Franklin. The loss of Franklin's REP license is not attributable to any actions or inactions of Mr. Mole.

39. The person who was involved in the day-to-day operations of Franklin up until January of 2005 was Michael V. Petras. Franklin's actions and inactions that led to the revocation of its REP license are fairly attributed to Mr. Petras.

40. During the time that Touchdown held stock in Franklin, Mr. Mole's primary and full-time occupation was managing his separate consulting business. His financial interest in Franklin, through Touchdown, was purely a passive financial interest, and was made solely for investment purposes.

41. The PUCT revoked Franklin's REP license on July 17, 2006. However, based on information and belief, Franklin had actually ceased operations in or around May of 2005.

42. Upon information and belief, Franklin ceased operating as a REP in Texas almost four years prior to Glacial's formation on March 6, 2009, and four years prior to the submission of its Application on April 22, 2009.

43. Since obtaining its license in Pennsylvania, Glacial has been in good standing with the Commission and has a two-year history of providing reliable electric service to primarily commercial customers within Pennsylvania.

44. To the best of its information and belief, Glacial has never had a compliance issue under the Commission's regulations, and has never been found in violation of any consumer protection rules. Glacial is, and has always acted as, a good corporate citizen within Pennsylvania.

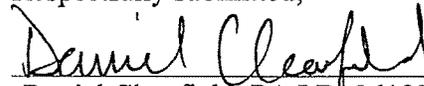
45. As noted above, all answers provided in the Application were provided in good faith and based on the understanding of Glacial's employees at the time as to what was required by the relevant questions, including Question 16.

46. Glacial believes and therefore avers that there exist no interpretative documents that show that Glacial's good faith interpretations of the information requested in the Application were incorrect.

47. The Commission's revocation of Glacial's EGS license on the basis of an after-the-fact interpretation of its Application requirements would deny Glacial due process and would not be in the public interest.

WHEREFORE, for the foregoing reasons, Glacial respectfully requests that the Formal Complaint be denied.

Respectfully submitted,



Daniel Clearfield, PA I.D. 26183  
Robert B. Hoffman, PA I.D. No. 23846  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, Eighth Floor  
Harrisburg, PA 17101  
Tel: (717) 237-7182  
dclearfield@eckertseamans.com  
rhoffman@eckertseamans.com

Sudeen G. Kelly  
George D. (Chip) Cannon, Jr.  
Suthima Malayaman  
Patton Boggs LLP  
2550 M Street NW  
Washington, DC 20037  
Tel: (202) 457-6000  
skelly@pattonboggs.com  
ccannon@pattonboggs.com  
smalayaman@pattonboggs.com

*Attorneys for Glacial Energy of  
Pennsylvania, Inc.*

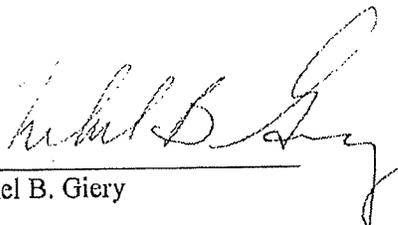
**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

Docket No. C-2012-2297092

**VERIFICATION**

I, Michael B. Giery, hereby state that I am Senior Counsel of Glacial Energy Holdings; that in that capacity I am authorized to make this verification; that the facts set forth in the foregoing Answer are true to the best of my knowledge, information, and belief; and that I make this verification subject to the penalties of 18 Pa. C.S. § 4904 pertaining to false statements to authorities.

  
\_\_\_\_\_  
Michael B. Giery

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

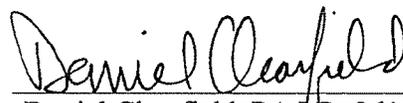
Pennsylvania Public Utility Commission,	)	
Bureau of Investigation and Enforcement	)	
Petitioner,	)	
v.	)	Docket No. C-2012-2297092
	)	
Glacial Energy of Pennsylvania, Inc.	)	
Respondent.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of April, 2012, I caused a true and correct copy of the foregoing document to be served upon the following persons by first class mail, postage prepaid, in accordance with the requirements of 52 Pa. Code § 1.54:

Heidi L. Wushinske  
Prosecutor  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Wayne T. Scott  
First Deputy Chief Prosecutor  
Bureau of Investigation and Enforcement  
P.O. Box 3265  
Harrisburg, PA 17105-3265



\_\_\_\_\_  
Daniel Clearfield, PA I.D. 26183  
Robert B. Hoffman, PA I.D. No. 23846  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, Eighth Floor  
Harrisburg, PA 17101  
Tel: (717) 237-7182  
rhoffman@eckertseamans.com