



Control Number: 43510



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**PUC DOCKET NO. 43510**

**APPLICATION OF JADE ENERGY §  
FOR AMENDMENT TO A RETAIL §  
ELECTRIC PROVIDER CERTIFICATE §**

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**COMMISSION STAFF'S RESPONSE TO ORDER NO. 2**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Response to Order No. 2, and would show the following:

**I. BACKGROUND**

On October 8, 2014, Jade Energy, LLC (Applicant) filed an application with the Commission for an amendment to its Retail Electric Provider (REP) Certificate No. 102221 to reflect changes in ownership and control, technical/managerial, and financial qualifications. On October 31, 2014, Staff filed a recommendation stating that the application is financially and technically deficient and does not meet the requirements of P.U.C. SUBST. R. 25.107. On November 7, 2014, the administrative law judge issued Order No. 2, which required that no later than November 21, 2014, the Applicant shall file documents to cure the deficiencies listed by Commission Staff. The Applicant filed additional information on November 13 and 20, 2014. Order No. 2 also required that, no later than December 5, 2014, Staff shall file a recommendation on final disposition of this proceeding. Accordingly, this response is timely filed.

**II. FINAL RECOMMENDATION**

Staff continues to recommend dismissal of the application, based on the attached memorandum of Janis Ervin of the Commission's Competitive Markets Division.

**Dated: December 2, 2014**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Karen S. Hubbard  
Managing Attorney  
Legal Division

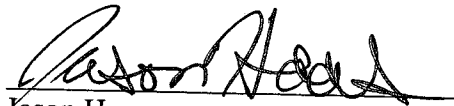


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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on December 2, 2014, in accordance with P.U.C. Procedural Rule 22.74.



Jason Haas

***Public Utility Commission of Texas***

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**Memorandum**

To: Jason Haas – Attorney – Legal Division

From: Janis Ervin – Sr. Utility Specialist – Competitive Markets Division  
Diane Hopingardner – Financial Analyst - Competitive Markets Division

Date: December 1, 2014

Re: **Docket No. 43510** - *Application of Jade Energy, LLC for Amendment to a Retail Electric Provider (REP) Certification*

**Recommendation to Dismiss Application**

On October 8, 2014, Jade Energy, LLC dba Bose Power & Electric filed an application to change ownership, enact corporate restructuring, and change its technical, managerial and financial qualifications. In support of its application, the company filed confidential documents. On October 10, 2014, Order No. 1, *Requiring Recommendation*, was issued.

On October 29, 2014, a letter was submitted on behalf of Drs. Subhash and Sarojini Bose. The letter states that Drs. Bose own, and invested 100% of the capital in Jade Energy. Further, the letter states that this application has been filed without the consent of the Drs. Bose and a request is made to withdraw the filing.

On October 31, 2014, Commission Staff (Staff) filed its initial recommendation, indicating that Staff was unable to make a determination on whether the representatives of Jade Energy, LLC listed in the application had the necessary authorization to file the application. In addition, Staff noted that the application was financially and technically deficient for failing to provide the appropriate information for qualification under the financial standards required by SUBST. R. §25.107(f)(1)(A)-(B) or the technical and managerial standards required by SUBST. R. §25.107(g)(1)(D)-(E). On October 31, 2014, Staff recommended that this application be dismissed.

On November 2, 2014, Order No. 2, *Granting Motion to Intervene; Deeming the Application Deficient; Requiring Applicant Response*, was issued granting Drs. Subhash and Sarojini Boses' intervention in this docket and requiring the applicant's response to cure the deficiencies noted by Staff. On November 13, 2014, and on November 20, 2014 an amended application and additional confidential materials were filed.

Staff has reviewed all subsequently filed materials but the materials still fail to establish whether the representatives of Jade Energy, LLC listed in the application had the necessary authorization to file the application. In addition, the application does not meet the requirements pursuant to P.U.C. SUBST. R. §25.107(f)(1)(A)-(B), §25.107(f)(4)(C), and §25.107(f)(4)(F) regarding financial requirements, and does not meet the requirements pursuant to §25.107(g)(1)(D) and §25.107(g)(1)(E) regarding technical and managerial requirements. Staff recommends that this application be dismissed.

If you have any questions please contact Ms. Ervin at extension 6-7372.

(Jade 120114)