

Rashid, Yassir

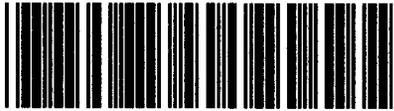
From: Norman Butts [jnbutts@joimail.com]
Sent: Tuesday, March 09, 2010 10:31 AM
To: Hardas, Phil; Rashid, Yassir; Yoder, Stephen
Subject: Case 10-0086
Attachments: GSE 26280_250_521960.pdf; GSE 33084_1_521610.pdf

With regards to licenses held in other jurisdictions, is the ICC interested in GSE's history as a registered aggregator in Texas? Please see the attached PUCT documents.

Thanks,
Norman Butts
817.832.2376



Control Number: 26280



Item Number: 250

Addendum StartPage: 0

 **COPY**

26280

Gulf States Energy Inc.

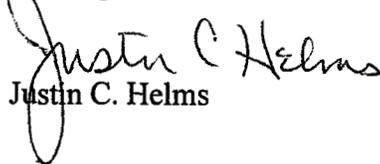
August 17, 2006

Central Records Filing Clerk
Public Utility Commission of Texas
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

To Whom It May Concern:

Attached is our Annual Report for Aggregators for the years 2002-2006. Please note that prior to the filing, we have filed a withdrawal of our Aggregation Registration pursuant to 25.111(i)(10); however, it will not be effective until after the annual filing notice. Please note that we have not ever aggregated any customers and have disclosed such in both our Annual Report for Aggregators and our Aggregation Registration Withdrawal.

Best regards,


Justin C. Helms

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ANNUAL REPORT FORM FOR AGGREGATORS

FOR REPORTING PERIOD OF July 1, 2002 to June 30, 2006

FOR AGGREGATOR REGISTRATION NO. 80115

FILED IN PROJECT NO. 26280, *Aggregator Annual Reports*

Part A: General Information

Part A is applicable to all Aggregators operating in the State of Texas.

1. **Aggregator Names:** Provide the Aggregator's legal name under which it is registered with the Commission, as well as any other trade or commercial names under which the Aggregator provides services.

GSE Consulting d/b/a Gulf States Energy Inc.

2. **Contact Person for this Annual Report:** Provide name, title, address, telephone number, facsimile transmission number, and e-mail address.

Justin C. Helms
Vice President
5420 LBJ Freeway, Suite 1355
Dallas, Texas 75240
Phone: 469-533-7400
Fax: 469-533-7404
justinh@gulfstatesenergy.com

3. **Aggregator Classification.** Under which classifications is the Aggregator currently registered: *Class I, Class II.A, Class II.B, Class II.C, and/or Class II.D?*

GSE Consulting is currently registered as a Class I aggregator.

4. **Scope of Registration.** If a Class I, Class II.A, or Class II.D, did the Aggregator register pursuant to §25.111(f)(1), the *Standard Registration* allowing aggregation of customers of any size, or pursuant to §25.111(f)(2), the *Alternative Limited Registration* (limited to customers contracting for 250 kilowatts peak demand)?

GSE Consulting's Scope of Registration was Standard.

5. **Activity with Customers.** Which of the following statements describe the Aggregator, the services it performs, and the customers it serves? (List all that are applicable: 5.a, 5.b, 5.c, 5.d, and/or 5.e). If more than one of these statements apply, explain how the Aggregator separates and distinguishes each activity from the other(s) to ensure compliance with § 25.111(d), which specifies different operational parameters for each class of aggregator.
- A person² that aggregates private³ customers.
 - A person that aggregates municipalities and/or other political subdivisions.
 - A political subdivision corporation⁴ that aggregates municipalities and/or other political subdivisions.
 - A municipality or other political subdivision that aggregates its citizens.
 - An administrator of citizen aggregation.

GSE Consulting has completed no aggregations during this period.

6. **REP Affiliation.** Identify any relationship(s) that the Aggregator has with REPs. [25.111(b), (f)(1)(K), and (k)]

GSE Consulting has no affiliation with an REP.

7. **Registration Changes:** Have there been any changes since the Aggregator's last Annual Report in the information registered with the Commission? If yes, provide the date and project number under which each change was filed with the Commission and briefly describe the change(s). In addition, list any pending proceedings pertaining to the Aggregator's registration.

On August 15, 2006 GSE Consulting sent in a request to withdrawal its Aggregation license with the Public Utility Commission of Texas. Prior to this request, there have been no changes.

Part B: Technical and Customer Protection Information

Class I, II.A and II.D Aggregators must answer *only* Questions 1-10. Class II.B Aggregators must answer *only* Questions 11 – 15. Class II.C Aggregators must answer *only* Questions 16-20.

Class I, II.A and Class II.D Aggregators:

² The definition of "person" includes an Individual, Partnership, Corporation, or Mutual or Cooperative Association, but not a Political Subdivision Corporation, municipal corporation, electric cooperative, county, hospital district, or other political subdivision.

³ In this question, "private" customers are any that are not a Political Subdivision Corporation, municipal corporation, county, hospital district, or other political subdivision.

⁴ A Political Subdivision Corporation is a specific arrangement among municipalities and/or other political subdivisions that is specified in LGC 304.001.

1. **Aggregation Information.** Complete the attached *Chart A—Aggregation Information*, concerning customer types, contracted REPs, and compensation sources for each aggregation performed by the Aggregator. [§§25.111(f)(1)(F) and (M)]

GSE Consulting has completed no aggregations during this period

2. **Marketing Policies and Practices.**

- a. Without supplying actual marketing materials, provide a summary explanation of the Aggregator's marketing policies and procedures utilized to obtain customer load. Include mention of how and when the Aggregator discloses its compensation sources in relation to executing contracts and, if compensation is rebated from the REP, whether and how that compensation is reflected on the customer's retail electric bill from the REP. [§25.111(b) and (i)(2) and 25.474]

GSE Consulting has completed no aggregations during this period

- b. List any and all Internet addresses used by the Aggregator or its third party contractor or marketing agent to market or solicit or obtain aggregated load and/or to provide aggregation services. [§§25.111(b) and (i)(2) and 25.474]

GSE Consulting has completed no aggregations during this period

- c. If the Aggregator contracted with or relied on a third party and/or marketing agent to obtain aggregated customer load or to otherwise provide aggregation services, list each person or company's name, contact person, physical address, telephone number, and date of contract. [§§25.111(b) and (i)(2) and 25.474]

GSE Consulting has completed no aggregations during this period

3. **Licensure Status.** Has the Aggregator had any registration/license/permit suspended or revoked in any state or by a federal authority? If yes, provide the (a) action type, (b) docket/citation number, (c) court/agency, and (d) final disposition. [§25.111(j)(6)] .

GSE Consulting has not had any registration/license/permit suspended or revoked in any state or by any federal authority.

4. **Complaint History.** Provide a summary of complaints filed since the last report against the Aggregator or against any affiliates of the Aggregator that provide utility-related services⁵ with any state or federal regulatory agency in states other than Texas, including (a) Aggregator or affiliate name, (b) regulatory agency, (c) total number of complaints, and (d) complaint types (e.g., customer service, unauthorized change of utility, unauthorized charge). [§§25.111(f)(1)(Q) and (i)(2)]

GSE Consulting has had no complaints filed against it or its affiliates.

5. **Legal Disclosures.** Since the last report, has the Aggregator or its principals, officers or directors been (1) convicted or found liable for fraud, theft, larceny, deceit, or violations

⁵ P.U.C. SUBST. R. 25.111(f)(Q)(i) characterizes "utility-related services" as those services "such as telecommunications, electric, gas, water, or cable service."

of any customer protection or deceptive trade laws in any state, (2) convicted for violation of any state or federal criminal laws, (3) found liable for violation of any state or federal civil laws, or (4) penalized by any attorney general, state or federal regulatory agency? If yes, provide the (a) violation type, (b) docket/citation number, (c) court/agency, and (d) final disposition including penalty assessed. [§§25.111(f)(1)(O) and (j)(7)]

None of the above relates to GSE Consulting.

6. **Other Registrations.** For Aggregators whose legal structure requires registration with the Texas Comptroller of Public Accounts or with the Texas Office of the Secretary of State (SOS): List and explain any instances where the Aggregator was “not in good standing” with the Comptroller’s office or any instances where the Aggregator failed to maintain “active status” with the SOS. Include explanation of any corrective action taken. [§25.111(f)(1)(G)-(H)]

GSE Consulting is in good standing with all agencies with which it must register.

7. **Landlord-Tenant Arrangements.** Have any aggregations during the reporting period involved agreements between the Aggregator and property owners/managers for energy services to their tenants? If yes, explain the relationship and state how the tenant’s independent choice of electricity provider is preserved by the arrangement. Include all supporting documentation.

GSE Consulting has not been involved in any of the referenced transactions.

8. **Billing Agent.** Does the Aggregator function as a billing agent for any REP (that is, does the Aggregator process the REP’s billings for energy services to its retail customers)? If yes, list the REPs for which the Aggregator serves as a billing agent.

GSE Consulting doesn’t act as a billing agent for any REP.

9. **Locations Served.** List each zip code and census tract in which at least one customer is served by a REP via a contract that was negotiated by the Aggregator.

GSE Consulting has completed no aggregations during this period

10. **Estimated Savings.** Provide an estimate of the total annual savings achieved by the Aggregator for retail electric customers in relation to (1) the Price to Beat and (2) the amounts paid in 2001. Explain the assumptions and methods used in the calculation.⁶

GSE Consulting has completed no aggregations during this period

[NOTE: Class II.D Aggregators do not need to report the Question B-10 information for the citizen aggregation programs they administer; rather, in the course of such administration, they may assist the associated Class II.C Aggregator(s) in reporting the information.]

Part C: Financial Information

Part C is applicable only to Class 1, Class II.A and Class II.D Aggregators. Aggregators that are not registered under one or more of these Classes do not need to complete *Part C*, and should proceed to the Affidavit.

Questions in *Part C* refer to the most recent July-to-June reporting period, as well as to any subsequent time for which information relating to these questions is reasonably known and available to the Aggregator. The Commission anticipates that the supporting documentation for the Aggregator's responses to Questions Nos. 4.a.I and 5.b are proprietary in nature.

Questions Applicable to All Class I, II.A and II.D Aggregators:

1. **Financial Integrity.** Has the Aggregator sought bankruptcy protection, become insolvent, or otherwise has been unable to meet its financial obligations on a reasonable and timely basis? If yes, explain, including any corrective action. [§25.111(j)(5).]

GSE Consulting has not sought bankruptcy protection, become insolvent, nor otherwise been unable to meet its financial obligation on a reasonable and timely basis.

2. **Customer Prepayments.** Has the Aggregator taken any deposits or other advance payments from electricity customers? If yes, provide the following:

⁶ Due to the complex structure of many electric rates, a comparison of savings achieved by one rate over another usually involves computing a customer's bill under each rate structure, assuming a single load/usage pattern. Therefore, the instructions for this reporting requirement are as follows: At issue are the total charges (including, for example, transmission and distribution charges, non-bypassable charges, and aggregator fees) for which the electric customer will be held responsible. For each of the aggregation contracts executed by the Aggregators in the reporting year, select the most relevant 12-month historical usage data available (the one used in preparation of the aggregation contract is likely suitable). Calculate the total annual dollar amounts that would be due under (a) the terms of the aggregation contract, (b) the PTB, and (c) 2001 rates. Across all of the aggregation contracts executed in the reporting year, sum the totals calculated for each under (a), (b), and (c) above. Using these totals, calculate (1) the percent savings in relation to PTB as $[(b)-(a)]*100 \div (b)$, and (2) the percent savings in relation to 2001 rates as $[(c)-(a)]*100 \div (c)$. If a different methodology for estimating savings is necessitated by the Aggregator's data or business systems, the Aggregator's explanation should include the ways in which its calculations conform or deviate from this model and/or any assumptions necessary to calculate its estimated savings to retail electric customers.

GSE Consulting has not taken any deposits or other advance payments from electricity customers.

- a. A descriptive list of the kinds of services for which the prepayments were taken by the Aggregator; and
 - b. The project number of the proceeding in which the Aggregator obtained Commission approval to take prepayments (that is, the initial registration or any subsequent amendment; if none, explain).
3. **Ongoing Status.** To the best of its knowledge, is the Aggregator aware of anything else, or does it anticipate any potential events before the next report, including anything related to prepayments if applicable, which would be pertinent to its future financial integrity as an Aggregator operating in the State of Texas? If yes, explain.

GSE Consulting doesn't expect a change in its status related to prepayments.

AFFIDAVIT

STATE OF TEXAS §
COUNTY OF TRAVIS §

1. My name is Justin C. Helms. I am Vice President of the reporting Aggregator, GSE Consulting.

2 I swear and affirm that (check one):

- I am an owner, partner, or officer of the registering party, which is registering as a Class I, Class II.A, and/or a Class II.D aggregator.
- I am an owner, partner, or officer of the registering party, which is registering as a Class II.B or Class II.C aggregator.

3. I swear and affirm that I have personal knowledge of the facts stated in this Aggregator Annual Report, that I am competent to testify to them, and that I have the authority to make this Report on behalf of the reporting Aggregator. I further swear or affirm that all of the statements and/or representations made in this Report are true, complete, and correct. I swear or affirm that the reporting Aggregator is not in material violation of any of the requirements of its registration. I swear or affirm that, if any material violation of the requirements of its registration occurred subsequent to the reporting period applicable to this Report, the reporting Aggregator has notified the Commission of same. I swear or affirm that the reporting Aggregator understands and will comply with all requirements of applicable law and rules.

4. I swear and affirm that the Aggregator is not in violation of any customer protection, disclosure requirements, marketing guidelines, and anti-discrimination laws or Commission rules.

5. I swear and affirm that any assertions of confidentiality regarding this response have been made with a good faith belief that an exception to public disclosure under Chapter 552 of the Texas Government Code applies to the information provided.

Justin C Helms

Signature of Affiant/Responsible Party

Justin C. Helms

Typed or Printed Name

GSE Consulting

Name of Reporting Aggregator

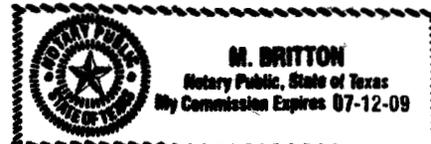
SWORN TO AND SUBSCRIBED TO BEFORE ME on the 15th day of August, 2006

M. Britton

Notary Public in and for the
State of Texas

My Commission Expires:

07-12-09





Control Number: 33084



Item Number: 1

Addendum StartPage: 0

93084



Gulf States Energy Inc.

August 14, 2006

Central Records Filing Clerk
Public Utility Commission of Texas
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

To Whom It May Concern:

Please be advised that GSE Consulting wishes to withdraw its Aggregator's Registration in accordance with PUC Substantive Rule 25.111(i)(10). Please be advised that we have not ever aggregated any customers under this license and, as such, do not owe any customers any refunds. Should you have any questions, please do not hesitate to contact me. Thank you for your time and effort in processing this request.

Best regards,

Justin C. Helms
GSE Consulting
469-533-7400

Rebecca Klein
Chairman

Brett A. Perlman
Commissioner

Julie Caruthers Parsley
Commissioner

W. Lane Lanford
Executive Director



Public Utility Commission of Texas

For Registered Aggregators in the Texas Retail Electric Market:

AMENDMENT APPLICATION FOR AGGREGATORS
*(For Use by a Registered Aggregator to Apply for an Amendment to its
Approved Aggregator Registration or to Withdraw its Registration)*

(TITLE PAGE)

PROJECT NO. 39084

(Assigned by Central Records when Amendment Application or Withdrawal is initially filed)

Approved Aggregator Registration No. **80115**

Proceeding under which Aggregator Registration Number was obtained, Project No.: **26165**

Any other proceedings that modified the original Aggregator Registration, Project Nos.:

APPLICANT *(Registered Aggregator applying to amend its approved registration):*

GSE Consulting

CONTACT *(Authorized Representative or Attorney to contact about this Application):*

NAME: Justin C. Helms

TITLE: Vice President

ADDRESS: 5420 LBJ Freeway, Suite 1355 Dallas, Texas 75240

TELEPHONE: 469-533-7400

FAX: 469-533-7404

EMAIL ADDRESS: justinh@gulfstatesenergy.com

SUMMARY *(Briefly state nature of amendment request or intent to withdraw):*

Withdrawal of aggregators registration in accordance with PUC Substantive Rule 25.111(i) (10).

**AMENDMENT APPLICATION FOR AGGREGATORS
(AFFIDAVIT)**

STATE OF Texas §
 §
COUNTY OF Dallas §

1. My name is Justin C. Helms. I am Vice President of the Applicant, GSE Consulting.

2. I swear or affirm that I have personal knowledge of the facts stated in this *Amendment Application for Aggregators*, that I am competent to testify to them, and that I have the authority to make this Amendment Application on behalf of the Applicant. I further swear or affirm that all of the statements and representations made in this *Amendment Application for Aggregators* are complete, true, and correct. I swear or affirm that the Applicant understands and will comply with all requirements of applicable law and rules.

Justin C Helms
Signature of Affiant/Authorized Representative

Justin C. Helms
Typed or Printed Name

GSE Consulting
Name of Applicant (Registered Aggregator Applying for an Amendment to its Approved Registration)

SWORN TO AND SUBSCRIBED before me on the 14th day of August, 2006.



M Britton
Notary Public In and For the
State of TEXAS

My commission expires: 07-12-09