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DOCKET NO. 50289

APPLICATION OF MITSUI & CO. § PUBLIC UTILITY COMMISSION
ENERGY MARKETING AND §
SERVICES (USA), INC. FOR A RETAIL § OF TEXAS
ELECTRIC PROVIDER CERTIFICATE §

NOTICE OF APPROVAL

This Notice of Approval addresses the application of Mitsui & Co. Energy Marketing and Services (USA), Inc. for an option 2 retail electric provider (REP) certificate. The Commission approves the application, as supplemented, and issues option 2 REP certificate number 10273 to Mitsui & Co.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicant

1. Mitsui & Co. is a Delaware for-profit corporation company registered with the Texas secretary of state on under file number 801418001.

Application

2. On November 26, 2019, Mitsui & Co. applied for an option 2 REP to provide retail electric service of one megawatt or more of capacity to certain identified customers.
3. Mitsui & Co. submitted its application using the Commission-approved form.
4. On December 6, 2019, January 2 and 28, and April 27, 2020, Mitsui & Co. supplemented its application.
5. On April 27, 2020, the applicant filed a supporting affidavit of Naoto Tsuchiya, senior vice president of Mitsui & Co., attesting under oath or affirmation to the truth of the statements provided in the application.
6. On January 28, 2020, Mitsui & Co. filed a signed, notarized affidavit from a customer with whom Mitsui & Co. will contract to provide one megawatt or more of capacity. The

affidavit states that the customer is satisfied that Mitsui & Co. meets the standards prescribed by PURA¹ § 39.352(b)(1) through (b)(3) and (c).

7. In Order No. 3 filed on March 12, 2020, the administrative law judge found the application administratively complete.

Basic Requirements

8. Mitsui & Co. has provided evidence that it is authorized by the secretary of state to do business in Texas under the name “Mitsui & Co. Energy Marketing and Services (USA), Inc.” and the name is not deceptive, misleading, vague, or duplicative of a name previously approved for use by an existing REP certificate holder.
9. Mitsui & Co. maintains an office located in Texas for the purpose of providing customer service, accepting service of process, and making available at that office books and records.
10. Mitsui & Co. has agreed to comply with 16 Texas Administrative Code (TAC) §§ 25.107(f)(5) and 25.108, relating to the billing and collection of transition charges.
11. Mitsui & Co. provided a signed notarized affidavit from their customer with whom it will contract to provide one megawatt or more of capacity, attesting that the customer is satisfied that Mitsui & Co. meets the standards prescribed by PURA § 39.352(b)(1) through (b)(3) and (c).

Informal Disposition

12. More than 15 days have passed since the completion of notice provided in this docket.
13. No person filed a protest or motion to intervene.
14. Mitsui & Co. and Commission Staff are the only parties to this proceeding.
15. No party requested a hearing and no hearing is needed.
16. Commission Staff recommended approval of the application.
17. This decision is not adverse to any party.

¹ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.017.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over the application under PURA § 39.352.
2. The application complies with the requirements of PURA § 39.352 and 16 Texas Administrative (TAC) § 25.107.
3. Mitsui & Co. designated its election for option 2 REP certification to provide retail electric services to specified customers as required by 16 TAC § 25.107(d)(2).
4. Mitsui & Co. maintains a Texas business location in satisfaction of PURA § 39.352(b)(4) and 16 TAC § 25.107(e)(2).
5. The name Mitsui & Co. Energy Marketing and Services (USA), Inc. is not deceptive, misleading, vague, otherwise contrary to 16 TAC § 25.272, or duplicative, in compliance with 16 TAC § 25.107(e)(1)(B).
6. Mitsui & Co., through its agreement to comply with the requirements for the billing and collections of transition charges, is in compliance with 16 TAC § 25.107(f)(5).
7. Mitsui & Co. complies with the requirements for an option 2 REP in satisfaction of 16 TAC § 25.107(d)(2).
8. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

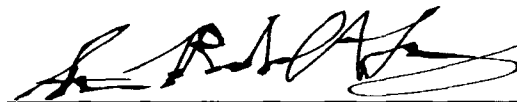
In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission issues option 2 REP certificate number 10273 in the name “Mitsui & Co. Energy Marketing and Services (USA), Inc.”
2. This option 2 REP certificate authorizes Mitsui & Co. to serve only the customer whose affidavit was filed, under confidential seal, with Mitsui & Co.’s application.

3. Before providing service to any new customers, Mitsui & Co. must amend its REP certificate, including by providing a signed, notarized affidavit for each new customer as required by 16 TAC § 25.107(d)(2).
4. Mitsui & Co. must continuously maintain an office within Texas for the purpose of providing customer service, accepting service of process, and making available in that office books and records sufficient to establish compliance with the requirements of PURA and applicable Commission rules.
5. Mitsui & Co. must notify the Commission within five working days of any change in its office address, business address, telephone numbers, or other contact information.
6. This certificate is not transferable without prior approval by the Commission and must continue in force until further order of the Commission.
7. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the 12th day of May 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read 'S. Leary', is written over a horizontal line.

**STEVEN LEARY
ADMINISTRATIVE LAW JUDGE**