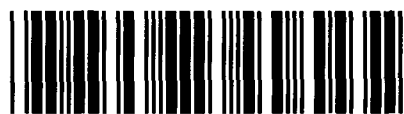




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**DOCKET NO. 50612**

**APPLICATION OF BUDDERFLY,  
INC. FOR AN AGGREGATOR  
REGISTRATION**

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§

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

### **STAFF'S RECOMMENDATION**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Staff's Recommendation. Staff recommends that the application be rejected. In support thereof, Staff shows the following:

#### **I. BACKGROUND**

On March 3, 2020, Budderfly, Inc. (Budderfly) filed an application to register as a Class I aggregator under 16 Texas Administrative Code (TAC) § 25.111(c)(2)(A). On March 18, 2020, Staff sent Budderfly a letter detailing five deficiencies inhibiting further review of the application. In the letter, Staff stated that if Budderfly did not cure the deficiencies within ten business days or request additional time to provide the information, the application would be rejected.

On April 22, 2020, Order No. 1 in this proceeding was issued, requiring Staff to file a recommendation on the application by May 7, 2020. Therefore, this pleading is timely filed.

#### **II. STAFF RECOMMENDATION**

To date, Budderfly has not responded to Staff's letter of deficiency. Staff has reviewed the application and, as detailed in the attached memorandum from Grace Godines, Customer Protection Division, recommends that the application is deficient for further review. Furthermore, because Budderfly failed to cure the deficiencies within ten business days or request additional time to provide the requested information, Staff recommends that the application be rejected without prejudice under 16 TAC § 25.111(h)(3)(B).<sup>1</sup>

#### **III. CONCLUSION**

Staff recommends that Budderfly's application for aggregator registration be rejected without prejudice. Staff respectfully requests that an order be issued consistent with the foregoing recommendation.

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<sup>1</sup> "If the deficiencies are not cured within ten business days, the staff will notify the registering party that the registration request is rejected without prejudice." 16 TAC § 25.111(h)(3)(B).

Dated: May 7, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Heath D. Armstrong  
Managing Attorney

/s/Courtney Dean  
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courtney.dean@puc.texas.gov

**DOCKET NO. 50612**

**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on May 7, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Courtney Dean  
Courtney N. Dean

# *Public Utility Commission of Texas*

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## **Memorandum**

TO: Courtney Dean – Attorney, Legal Division  
FROM: Grace Godines – Analyst, Customer Protection Division  
DATE: May 7, 2020  
RE: Project No. 50612 - *Application of Budderfly, Inc. for an Aggregator Registration*

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### **RECOMMENDATION**

On March 3, 2020, Budderfly, Inc. (Budderfly or the Company) filed an application for registration as an aggregator pursuant to 16 Texas Administrative Code (TAC) § 25.111. On March 18, 2020, Commission Staff issued a notice of deficiency to the applicant. Budderfly was asked to cure the deficiencies within ten business days. The following deficiencies were to be corrected and completed:

1. **Page 1** - Applicant failed to provide fax number for Authorized Representative or Attorney to contact about this application and Agent for Service of Process. Additionally, no email address was submitted for Agent for Service of Process.
2. **Part A, Question 4. Other Names** - Applicant failed to answer the question. The applicant should list any other company names that will be used. If none, answer should be left blank.
3. **Part A, Question 5. Address** - Applicant failed to provide Texas business address, telephone number and fax number.
4. **Part A, Question 9. Regulatory Contact Person** - Applicant failed to provide fax number for agent for service of process.
5. **Part C, Question 1** – Applicant is seeking an Alternative Limited Registration, however applicant checked “NO, Registering Party will not collect deposits or other advance payments from customers in advance of delivering aggregation services.” The applicant also checked the Alternative Financial Qualification for Limited Registration. An applicant cannot check both boxes. If an applicant chooses the Alternative Financial Qualification for Limited Registration, then it must also incorporate the required statement into the Affidavit.

To date, Budderfly has not filed the requested information with the Commission's Central Records Filing Clerk. Therefore, Staff recommends that Budderfly's application be rejected.