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DOCKET NO. 52364

PROCEEDING FOR ELIGIBLE	§	PUBLIC UTILITY COMMISSION
ENTITIES TO FILE AN OPT OUT	§	
PURSUANT TO PURA § 39.653(d) AND	§	
FOR LOAD-SERVING ENTITIES TO	§	OF TEXAS
FILE DOCUMENTATION OF	§	
EXPOSURE TO COSTS PURSUANT	§	
TO THE DEBT OBLIGATION ORDER	§	
IN DOCKET NO. 52322		

**ERCOT'S STATUS UPDATE
REGARDING OPT-OUT ENTITIES**

Electric Reliability Council of Texas, Inc. (ERCOT) files this *Status Update Regarding Opt-Out Entities* to provide additional information to the Public Utility Commission of Texas (Commission) and to those entities eligible to opt out of proceeds and uplift charges authorized by the Debt Obligation Order (DOO) entered in PUC Docket No. 52322, *Application of the Electric Reliability Council of Texas, Inc. for a Debt Obligation Order to Finance Uplift Balances under PURA Chapter 39, Subchapter N, and for a Good Cause Exception*.

In addition to making this filing in the instant docket, ERCOT is also providing notice of this filing to all ERCOT Market Participants through the issuance of a Market Notice.

I. ERCOT's Intended Process for Opt-Out Entities

Pursuant to the terms of the DOO and the allocation methodology in Attachment C of the Unopposed Partial Stipulation and Settlement Agreement entered in PUC Docket No. 52322, ERCOT is required to use the allocation methodology to calculate the allocation of PURA Subchapter N proceeds for each ERCOT Load Serving Entity (LSE) that has not opted out through the process stated in the DOO. ERCOT must file these calculations in the instant docket no later than December 7, 2021.

However, in order to complete the calculations required by the allocation methodology and DOO, ERCOT must first have a complete and accurate record of all entities that have elected to

opt out of receiving Subchapter N proceeds. This include both LSEs that have elected to opt out, as well as transmission-voltage customers that have elected to opt out.

Pursuant to the terms of the DOO, any eligible entity that elects to opt out must file a notification of opt out on or before November 29, 2021, in the instant docket. Because of the short period of time between the November 29, 2021, deadline and ERCOT's deadline for filing the allocations calculations on December 7, 2021, on November 30, 2021, ERCOT will file in this docket, the final list of opt-out entities. ERCOT will use this list of opt-out entities to complete the exposure calculation required by the DOO and Unopposed Partial Stipulation and Settlement Agreement. Once ERCOT files this list on November 30, 2021, ERCOT respectfully requests that all affected entities review it carefully and immediately inform ERCOT if ERCOT inadvertently omitted an opt-out entity from the list.

ERCOT notes that the DOO does not appear to allow for extension of the November 29, 2021 opt-out deadline, nor is there a process allowed for an entity to dispute opt-out eligibility. Accordingly, to the extent an entity timely files a complete opt-out notification in the instant docket, states a basis for opt-out eligibility, ERCOT intends to record that entity as an opt-out entity for purposes of the exposure calculation.¹

II. ERCOT's Current List of Opt-Out Entities

For purposes of informing entities impacted by the DOO, ERCOT is attaching to this filing its current record of entities that have elected to opt out of uplift charges and proceeds authorized by the DOO. The record is attached here as Exhibit A and is separated into three tables: one for Load Serving Entity (LSE) opt-outs (i.e., municipally owned utilities, electric cooperatives, river

¹ ERCOT has recommended that REPs to work with their respective Transmission Distribution and/or Service Providers (TDSPs) to ensure that their transmission voltage customers' ESI IDs are properly designated in ERCOT's systems as transmission-voltage level prior to the opt-out deadline of November 29, 2021, in order to proactively address any potential concerns regarding the eligibility of an entity to opt out due to its status as a transmission voltage customer.

authorities, and eligible Retail Electric Providers (REPs)) that were set forth in the Unopposed Partial Stipulation and Settlement Agreement; one for LSEs that filed opt-out notices in this docket; and one for transmission-voltage customer (TVC) opt-outs. Exhibit A reflects the entities ERCOT has recorded as electing to opt out as of November 15, 2021. If an entity filed the requisite opt-out information in this docket on or after November 16, 2021, it may not be reflected in Exhibit A.

Eligible LSEs and TVCs not listed in Exhibit A that intend to opt out per the terms of the DOO should ensure they have filed a complete opt-out notification in this docket (52364) on or before the November 29, 2021, filing deadline.² Each eligible entity that wishes to opt out must make an affirmative election to opt out by making a filing in this docket, as prescribed by the DOO (except for entities listed as having opted out in Attachment B of the Unopposed Partial Stipulation and Settlement Agreement). ERCOT will only designate an entity as having opted out of uplift charges if the entity (or the TVC's REP) has made a filing in this docket in accordance with the DOO, or if the entity is listed as an opt-out entity in Attachment B of the Unopposed Partial Stipulation and Settlement Agreement. Further, and as noted above, the final deadline for submitting a complete opt-out notification pursuant to the DOO is November 29, 2021. Unless otherwise ordered by the Commission, for the purpose calculating exposure and allocating uplift charges, ERCOT will not consider opt-out notifications filed after the November 29, 2021 deadline.

To the extent an entity believes that it filed an opt-out notification in Docket No. 52364 as of November 15, 2021, but does not appear in Exhibit A, the entity should contact its ERCOT

² ERCOT would note that several entities have filed opt-out notifications in PUC Docket No. 52322 and recommends that such entities file their opt-out notifications in PUC Docket No. 52634 to ensure opt-out requests are properly captured.

Account Manager (or if a TVC, the TVC's REP's ERCOT Account Manager) as soon as possible to resolve the discrepancy.

III. TVC Submission of Opt-Out Information to ERCOT by November 29, 2021

The standardized opt-out form that REPs are required to use to provide TVC data for use by ERCOT to help ensure the proper identification of opt-out TVCs was drafted with the contemplation that the form would be filed confidentially in the instant docket. The reason for this is because the form asks for certain customer information—e.g., ESI IDs—that customers and REPs may consider confidential or commercially sensitive. Based on the filings made to date, it appears that there is some confusion amongst TVCs as to the proper manner in which to file the opt-out notification form in this docket. Some entities have completed all fields in the document and simply filed it publicly in the instant docket. However, other entities either did not complete all fields in the document or filed the document under seal or with redactions. As mentioned earlier, some entities have even filed opt-out notification PUC Docket No. 52322.

ERCOT understands and agrees that TVCs may wish to file the opt-out notification confidentially. However, it is imperative that ERCOT receive all the information required by the TVC opt-out form in a timely manner to properly account for TVC opt-outs for calculating exposure and invoicing uplift charges. ERCOT has now filed its Protected Order Certifications in this matter so that it may receive copies of the opt-out notifications filed confidentially in this docket. So that ERCOT may properly process all TVC opt-outs, ERCOT respectfully requests that any TVC that has filed, or that does file, an opt-out notification confidentially or with redactions also email an unredacted copy of the form directly to ERCOT at MPRegistration@ercot.com with the subject line “**52364 Opt-Out Notification – [Legal Name of TVC].**”

IV. REP Submission of TVC Meter Data to ERCOT by December 1, 2021

Per the terms of the DOO and Unopposed Partial Stipulation and Settlement Agreement, each “[REP] that is eligible and chooses to receive proceeds under Subchapter N, Chapter 39 of PURA will provide ERCOT with the interval-level settlement meter data for each of its transmission level customers (including associated ESIIDs) that have opted out.” ERCOT must be in possession of this information prior to performing the exposure calculation that must be filed in this docket on December 7, 2021. In order to give ERCOT adequate time to review this data and calculate exposure, ERCOT requests that each affected REP provide this meter data to ERCOT no later than **Wednesday, December 1, 2021**.

To facilitate the provision of this data, ERCOT requests that the following process be used. On November 30, 2021, as described above, ERCOT will file in this docket, a final list of opt-out entities. Each REP should review the final list and determine if it was the REP (during the Period of Emergency—i.e., February 12 – 20, 2021) for any TVCs. If, during the Period of Emergency, a REP was the REP of record for a TVC that opted out in this docket, then that REP must provide the interval-level settlement meter data for the Period of Emergency for each TVC to ERCOT on or before Wednesday, December 1, 2021. This information should be emailed to ERCOT at DataLoadingandAggregation@ercot.com with the following the subject line: “**52364 – TVC Opt-Out Meter Data – [Legal Name of REP/DUNS Number]**.” For each TVC, the REP should provide the TVC’s legal name, ESIID(s), and meter data.

ERCOT notes that this meter data is being provided for the purposes of helping ERCOT accurately identify each TVC opt-out. For purposes of calculating exposure required by the DOO and the Unopposed Partial Stipulation and Settlement Agreement, ERCOT must compute exposure using data in ERCOT settlement extracts.

V. Opt-Out Information for LSEs

The DOO allows certain entities—namely municipally owned utilities, electric cooperatives, and river authorities—to elect to opt out, even if they are not currently registered as an ERCOT LSE. For example, there are certain electric cooperatives that exist in ERCOT but that are not currently registered ERCOT LSEs, because they are a member of a larger cooperative that currently serves as the LSE. In those cases, the opted-out member cooperative will not have its own LSE DUNS number, and the Load associated with that member cooperative will be accounted for under the larger cooperative that serves as the LSE. To the extent the Exhibit A includes LSEs without a corresponding DUNS number, it is due to this particular situation.

In order to properly account for opt outs by LSEs, ERCOT requires the DUNS number for each opt-out LSE registered with ERCOT. ERCOT has compiled the DUNS numbers for LSEs that have elected to opt out to date, and those are reflected in the Exhibit A. LSEs appearing in Exhibit A should ensure their DUNS numbers are listed correctly. Further, any LSE that has not yet elected to opt out but that files an opt-out notification in this docket on or before the November 29, 2021, deadline should ensure that its LSE DUNS number is included in the filed notification.

VI. Other Issues

On November 11, 2021, MidAmerican Energy Services, LLC (MidAmerican) filed in this docket, a petition to change its affiliate status used for uplift securitization proceeds. On November 15, 2021, Commission Staff filed comments to MidAmerican’s petition. Therein, Commission Staff noted that the Administrative Law Judge (ALJ) in this matter converted the purpose of this docket into a “project” in part, to avoid adjudicating a contested case. Commission Staff requested that the ALJ give those comments due consideration because MidAmerican is seeking adjudication of its designated affiliate status for purposes of determining exposure. Unless ordered otherwise by the Commission, for purposes of calculating the amount of proceeds MidAmerican will receive

under Subchapter N, ERCOT will use MidAmerican's affiliate status as designated in Attachment C of the Unopposed Partial Stipulation and Settlement Agreement entered in PUC Docket No. 52322, which is an "Affiliated REP with <\$400 million in Total Exposure."

CONCLUSION

ERCOT respectfully requests that impacted entities carefully review the information included in this filing and take action as appropriate. ERCOT stands ready to assist the Commission and impacted entities as necessary to ensure proper completion of the opt-out process authorized by the DOO.

Respectfully submitted,

WINSTEAD PC

By: /s/ Ron H. Moss

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ATTORNEYS FOR ERCOT

CERTIFICATE OF SERVICE

This pleading was filed with the Commission on November 16, 2021. I hereby certify that the pleading was served by email on all parties that have intervened in this docket and on Commission Staff.

/s/ Ron H. Moss
Ron H. Moss

EXHIBIT A

Transmission-Voltage Level Customer (TVC) Opt-Out Filings (as of 11/15/2021)
AFTON CHEMICAL CORPORATION
ASH GROVE CEMENT COMPANY
ATMOS ENERGY CORPORATION
CDAB III, LP
DORY CREEK LLC
GEO SPECIALTY CHEMICAL CORP
HUDSON ENERGY SERVICES LLC
KINDER MORGAN CONTRACTING SERVICES LLC (CITY OF DALHART)
PANDA HIGH PLAINS HEMP GIN REAL ESTATE LLC
SOLVAY CHEMICALS, INC
TEX-ISLE SUPPLY, INC
UNIVERSITY OF HOUSTON SYSTEM
VAQUERO MIDSTREAM LLC

Load Serving Entity (LSE) Opt-Out Filings (as of 11/15/2021)	
LSE	LSE DUNS
BANDERA ELECTRIC CO OP, INC	00-894-5149-1000
BLUEBONNET ELECTRIC CO OP, INC	05-248-3435-1000
BRYAN TEXAS UTILITIES	07-939-0779-1000
CITY OF BARTLETT	07-461-8935-1000
CITY OF BASTROP	08-515-5372-1000
CITY OF BELLVILLE	09-356-4870-1000
CITY OF BRADY	07-080-4877-1000
CITY OF BRENHAM	07-416-4922-1000
CITY OF BURNET	07-461-2151-1000
CITY OF COLLEGE STATION	04-033-0300-1000
CITY OF CUERO	05-268-4214-1000
CITY OF FLATONIA	06-268-9013-1000
CITY OF FREDERICKSBURG	07-692-4307-1000
CITY OF GEORGETOWN	08-959-2372-1000
CITY OF GIDDINGS	00-968-9951-1000
CITY OF GOLDTHWAITE	15-582-5276-1000
CITY OF GONZALES	09-373-8540-1000
CITY OF HALLETTSVILLE	00-908-1183-1000
CITY OF HEMPSTEAD	12-721-7560-1000
CITY OF LA GRANGE	06-070-8518-1000
CITY OF LAMPASAS	02-033-1120-1000
CITY OF LEXINGTON	00-818-1732-1000
CITY OF LLANO	09-169-5205-1000
CITY OF LOCKHART	07-461-6863-1000
CITY OF LULING	01-055-3998-1000
CITY OF MASON	15-612-6708-1000
CITY OF MOULTON	00-918-7154-1000
CITY OF SAN MARCOS	06-946-2869-1000
CITY OF SAN SABA	02-485-9225-1000
CITY OF SCHULENBURG	05-329-5036-1000
CITY OF SEYMOUR	16-631-9145-1000
CITY OF SHINER	15-045-3371-1000
CITY OF SMITHVILLE	09-169-7813-1000
CITY OF WAELDER	05-417-7969-1000
CITY OF WEIMAR	02-149-7458-1000
CITY OF WHITESBORO	134546522
CITY OF YOAKUM	06-945-5772-1000
GREENVILLE ELECTRIC UTILITY SYSTEM	80-624-4935-1000
HAMILTON COUNTY ELECTRIC CO OP	00-894-9216-4100
LAMAR COUNTY ELECTRIC COOPERATIVE ASSOCIATION	00-480-6097-1000
LAMAR COUNTY ELECTRIC COOPERATIVE ASSOCIATION	00-480-6097-1100
LOWER COLORADO RIVER AUTHORITY	04-322-6885-1000
LOWER COLORADO RIVER AUTHORITY LCRA WSC ENERGY	04-322-6885-1100
NEW BRAUNFELS UTILITIES	03-834-6169-1000
PEDERNALES ELECTRIC COOPERATIVE, INC (PEDERNALES ELEC CO OP, INC AEP)	00-792-4111-1100
PEDERNALES ELECTRIC COOPERATIVE, INC (PEDERNALES ELEC CO OP, INC DCP)	00-792-4111-1200
PEDERNALES ELECTRIC COOPERATIVE, INC (PEDERNALES ELECTRIC CO OP, INC)	00-792-4111-1000
RIO GRANDE ELECTRIC COOPERATIVE, INC - 1A	00-278-1953-1100
RIO GRANDE ELECTRIC COOPERATIVE, INC - 1B	00-278-1953-1000
RIO GRANDE ELECTRIC COOPERATIVE, INC - 2B	00-278-1953-1200
RIO GRANDE ELECTRIC COOPERATIVE, INC - 3A	00-278-1953-1300

Unopposed Partial Stipulation & Settlement Agreement

Attachment B: List of Opt-Out LSEs

LSE NAME	LSE DUNS
BAILEY COUNTY ELECTRIC COOPERATIVE ASSOCIATION	
BIG COUNTRY ELECTRIC COOPERATIVE, INC	00-586-3048-1000
BOWIE-CASS ELECTRIC COOPERATIVE, INC	
CHEROKEE COUNTY ELEC COOPERATIVE ASSOC	
COLEMAN COUNTY ELECTRIC COOPERATIVE, INC	00-792-4673-1000
CONCHO VALLEY ELECTRIC COOPERATIVE, INC	00-386-6662-1000
DEAF SMITH ELECTRIC COOPERATIVE, INC	00-793-0746-1999
DEEP EAST TEXAS ELECTRIC COOPERATIVE, INC	
EAST TEXAS ELECTRIC COOPERATIVE, INC	94-853-5265-1000
FANNIN COUNTY ELECTRIC COOPERATIVE, INC	
FARMERS ELECTRIC COOPERATIVE, INC	
GOLDEN SPREAD ELECTRIC COOPERATIVE, INC	18-647-0779-1100
GRAYSON COLLIN ELECTRIC COOPERATIVE, INC	
GREENBELT ELECTRIC COOPERATIVE, INC	00-983-3856-1000
HOUSTON COUNTY ELEC COOP, INC	
JACKSON ELECTRIC COOPERATIVE, INC	
JASPER NEWTON ELECTRIC COOPERATIVE, INC	
KARNES ELECTRIC COOPERATIVE, INC	
LAMB COUNTY ELECTRIC COOPERATIVE, INC	
LIGHTHOUSE ELECTRIC COOPERATIVE, INC	00-282-5289-1000
LYNTEGAR ELECTRIC COOPERATIVE, INC	00-793-7147-1000
MAGIC VALLEY ELECTRIC COOPERATIVE, INC	00-895-1501-1000
MEDINA ELECTRIC COOPERATIVE, INC	
NORTH PLAINS ELECTRIC COOPERATIVE, INC	
NORTHEAST TEXAS ELECTRIC COOPERATIVE, INC	
NUECES ELECTRIC COOPERATIVE, INC	00-882-8857-1000
PANOLA HARRISON ELECTRIC COOPERATIVE, INC	
RAYBURN COUNTRY ELECTRIC COOPERATIVE, INC	62-436-8601-1000
RITA BLANCA ELECTRIC COOPERATIVE, INC	
RUSK COUNTY ELECTRIC COOPERATIVE, INC	00-984-4440-1991
SAM HOUSTON ELECTRIC COOPERATIVE, INC	
SAN BERNARD ELECTRIC COOPERATIVE, INC	00-894-5313-1000
SAN PATRICIO ELECTRIC COOPERATIVE, INC	
SOUTH TEXAS ELECTRIC COOPERATIVE, INC	00-386-6332-1000
SOUTHWEST TEXAS ELECTRIC COOPERATIVE, INC	00-841-5895-1000
SWISHER ELECTRIC COOPERATIVE, INC	00-983-3773-1999
TAYLOR ELECTRIC COOPERATIVE, INC	00-793-4425-1000
TRI COUNTY ELECTRIC COOPERATIVE, INC	
TRINITY VALLEY ELEC COOPERATIVE	
UPSHUR RURAL ELECTRIC COOPERATIVE CORPORATION	
VICTORIA ELECTRIC COOPERATIVE, INC	
WHARTON COUNTY ELECTRIC COOPERATIVE, INC	
WOOD COUNTY ELECTRIC COOPERATIVE, INC	

CITY OF AUSTIN	80-087-1766-1000
CITY OF DENTON	07-138-0190-1000
CITY OF GARLAND	60-110-1256-1000
CITY OF LUBBOCK, ACTING THROUGH LUBBOCK POWER AND LIGHT	05-821-3893-1000
CITY OF SEGUIN	08-628-1979-1000

TEXAS RETAIL ENERGY LLC	00-001-2423-8432
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