



Control Number: 34738



Item Number: 298

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**P.U.C. DOCKET NO. 34738
SOAH DOCKET NO. 473-08-1153**

**NOTICE OF VIOLATION OF
INTERNATIONAL POWER
AMERICA, INC., HAYS ENERGY
LIMITED PARTNERSHIP,
MIDLOTHIAN ENERGY LIMITED
PARTNERSHIP, AND ANP
FUNDING I, LLC OF PURA
§36.151(j) AND PUC SUBST. R.
§25.503(f) AND (g), RELATING TO
FAILURE TO ADHERE TO ERCOT
PROTOCOLS §5.8.1.1, AND
6.5.1.1(1)(e) CONCERNING
GOVERNOR IN SERVICE
REQUIREMENTS AND
FREQUENCY BIAS
REQUIREMENTS AND OF PUC
SUBST. R. 25.503(f)(10), RELATING
TO FAILURE TO COMPLY WITH
REQUESTS FOR INFORMATION
BY ERCOT WITHIN THE TIME
SPECIFIED BY ERCOT
INSTRUCTIONS**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

FILED
FEB 17 PM 2:50
CLERK

**INTERNATIONAL POWER AMERICA, INC., HAYS ENERGY LIMITED
PARTNERSHIP, MIDLOTHIAN ENERGY LIMITED PARTNERSHIP, AND
ANP FUNDING I, LLC'S RESPONSE TO COMMISSION STAFF'S MOTION TO
COMPEL RESPONSES TO STAFF'S TWELFTH REQUEST FOR
INFORMATION, OR IN THE ALTERNATIVE TO ALLOW STAFF TO
CONDUCT DISCOVERY ON THE ERRATA TO THE DIRECT TESTIMONY
OF MICHAEL NOVELLI**

TO THE HONORABLE PAUL D. KEEPER, ADMINISTRATIVE LAW JUDGE:

International Power America, Inc., Hays Energy Limited Partnership, Midlothian Energy Limited Partnership, and ANP Funding I, LLC, (collectively "IPA Parties") submits this response to Staff's Motion to Compel Responses to Commission Staff's Twelfth Request for Information (RFI), or in the Alternative to Allow Staff to Conduct Discovery on the Errata to the Direct of Michael Novelli ("Staff's motion"). Staff's motion was received on February 6, 2009, so this response is timely pursuant to

paragraph 5(c) of the Agreed Modifications to Discovery Procedures signed by both parties on October 25, 2007.

Commission Staff filed its twelfth set of RFIs on IPA Parties on January 5, 2009. IPA Parties timely and completely responded to those RFIs on January 26, 2009. Staff's RFI DJ-12-3 was the same RFI Staff filed on IPA Parties December 3, 2008, in DJ-8-7. IPA Parties timely answered DJ-8-7 without any Staff objection. IPA Parties' complete response to DJ-12-3 referred Staff to IPA Parties' response to DJ-8-7. IPA Parties, in both instances, filed responses to the above RFIs that were accurate and sufficient.

In an effort to reduce disputes and minimize the burden on the ALJ, IPA Parties have voluntarily provided a supplemental response to DJ-12-3 (attached to this responsive motion). IPA Parties contend that this supplemental response is not required since a full response was originally provided, however, out of an abundance of caution and in the spirit of cooperation, IPA Parties file their supplemental response to assist Staff with the highly technical matters at issue.

IPA Parties believe that this supplemental response to DJ-12-3 fully and completely addresses Staff's motion to compel and that no ruling on Staff's motion is required by the ALJ.

Respectfully Submitted,

By: _____


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Certificate of Service

I certify that a copy of this document was served on all parties of record in this proceeding on February 17, 2009, by regular mail, facsimile transmission or hand-delivery.


S. Scott Shepherd

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NOTICE OF VIOLATION OF	§	PUBLIC UTILITY COMMISSION
INTERNATIONAL POWER	§	
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FUNDING I, LLC OF PURA	§	
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§25.503(f) AND (g), RELATING TO	§	
FAILURE TO ADHERE TO ERCOT	§	
PROTOCOLS §5.8.1.1, AND	§	
6.5.1.1(1)(e) CONCERNING	§	
GOVERNOR IN SERVICE	§	
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REQUESTS FOR INFORMATION	§	
BY ERCOT WITHIN THE TIME	§	
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INSTRUCTIONS	§	

**INTERNATIONAL POWER AMERICA, INC., HAYS ENERGY LIMITED
PARTNERSHIP, MIDLOTHIAN ENERGY LIMITED PARTNERSHIP, AND ANP
FUNDING I, LLC'S SUPPLEMENTAL RESPONSE TO PUC STAFF'S
REQUEST FOR INFORMATION DJ-12-3**

International Power America, Inc., Hays Energy Limited Partnership, Midlothian Energy Limited Partnership, and ANP Funding I, LLC, (collectively “IPA Parties”) submits this supplemental response to Staff’s Request for Information DJ-12-3. These answers may be treated by all parties as if the answers were filed under oath.

Respectfully Submitted,


By: _____


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S. Scott Shepherd

Q. DJ-12-3 Refer to Mr. Novelli's response to Question DJ-8-7. Please provide answers to these questions:

- a. Please refer to Novelli direct, bates 000060, 1. 4-10. Describe the changes that were implemented, mentioned on 1.10 and referring to the adjustment relating to the ramp rate (or load gradient) that would produce a lower maintenance cost as stated on line 9, consistent with Mr. Moutaftchiev's explanation in his e-mail to Keith Ulyett reproduced in MN-7 at 4.**
- b. How was the ramp rate (or load gradient) adjusted?**
- c. Did different ramp rates/load gradients apply with different frequency ranges after this adjustment?**
- d. What ramp rates/load gradients applied and within what frequency ranges after this adjustment?**
- e. When were these changes implemented?**
- f. Are these changes in effect today?**
- g. If not, when did they stop being implemented?**
- h. Explain how IPA complies with the Protocols requirement of a 0.036 Hz dead band and a 5% droop setting after implementing these adjustments.**

R. DJ-12-3 Please see Errata to Novelli testimony filed January 29, 2008. Additionally, see IPA Parties' Response to Staff RFI DJ-8-7 to which Staff did not object. Staff's DJ-8-7 is virtually the same question as DJ-12-3 and the answer remains the same.

Supplemental Response:

For further clarification and in the spirit of cooperation, IPA Parties additionally respond as follows:

- a. There were no changes implemented as the result of the referenced email by Dr. Moutaftchiev. However, in an effort to avoid further confusion, the only other changes, in addition to those previously explained in DJ-8-7, included adjusting the deadband to comply with ERCOT protocols and operating guides, recapturing frequency setting and disabling the "Sensitive Mode" (this reduced output changes in response to frequency deviations within the +/- 0.036Hz deadband).

- b. The ramp rate was set at 2.8 MW/second.
- c. No.
- d. See 12-3(b) above.
- e. See M. Novelli testimony at bates 0051 lines 3-7.
- f. Yes.
- g. n/a
- h. See 12-3(a) above. Additionally, See M. Novelli testimony at bates 0065 lines 1-11.

Prepared by: S. Scott Shepherd

Sponsoring Witness: Michael Novelli