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COMPLAINT OF ASPIRE §
COMMODITIES, LLC AGAINST THE §
ELECTRIC RELIABILITY COUNCIL §
OF TEXAS §

PUBLIC UTILITY COMMISSION OF TEXAS
AUG 14 2019 9:51 AM
PUBLIC UTILITY COMMISSION
FILING CLERK

**ASPIRE COMMODITIES, LLC'S
OBJECTION TO MOTION FOR EXTENSION OF TIME**

COMES NOW, Aspire Commodities, LLC ("Aspire") and files this Objection to the Motion for Extension of Time of the Staff of the Public Utility Commission of Texas ("Staff") in the above-captioned proceeding. In support thereof, Aspire shows the following:

INTRODUCTION

This Objection is filed in response to Staff's most recently filed Motion for Extension of Time. While this is Staff's second motion for additional time, it is the first Staff has filed without conferring with counsel for Aspire, and it is an unreasonable complaint that directly contradicts a prior order of the Administrative Law Judge. Moreover, it seeks a delay that could potentially bar the relief sought by Aspire. The request for an extension of time should be denied.

I. BACKGROUND

On June 27, 2019, the Administrative Law Judge established the procedural schedule for the adjudication of Aspire's complaint, setting August 9, 2019 as the deadline for Staff comments on the complaint.

On August 9, 2019, the Administrative Law Judge granted Staff's first request for an extension of time, establishing a new deadline of September 9, 2019 for Staff to file both a response to the Electric Reliability Council of Texas, Inc.'s ("ERCOT") motion to dismiss Aspire's complaint *and* comments regarding Aspire's complaint (*emphasis added*).

On August 23, 2019, Staff filed a response to ERCOT's motion to dismiss, but chose not to file a response to Aspire's complaint.

On September 6, 2019, Staff filed a second motion for extension of time to respond to Aspire's complaint, without meeting and conferring with Aspire regarding the justification or appropriateness of its request.

II. OJECTIONS

The Motion for Extension of Time should be denied for the following reasons:

A. The Motion and Staff's Conduct Violates a Prior Order

The Administrative Law Judge's Order Number 2 granted an extension for Staff to respond to both ERCOT's motion to dismiss and to comment regarding Aspire's Complaint. Aspire did not oppose Staff's motion.

Instead of filing both a response to the motion to dismiss and comments regarding Aspire's complaint, Staff chose to only respond to the motion to dismiss, which is not what the Administrative Law Judge ordered Staff to do. The motion should be denied and Staff should be ordered to respond to the complaint as soon as practicable.

B. The Motion is Meritless

Staff makes the assertion that it is "necessary" to consider ERCOT's motion to dismiss prior to providing comments on Aspire's complaint but provides no basis for this necessity – because there is no basis. Whether or not Aspire's complaint is dismissed does not lessen the value or importance of Staff's comments, and further if the Administrative Law Judge thought it was necessary, it would have been provided for in its original schedule or the second schedule based on Staff's first request for additional time. The motion for extension is merely an attempt to delay.

C. Granting the Motion would Harm Market Participants and ERCOT

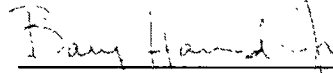
Aspire's complaint to the Commission, as filed and amended states that relief is requested expeditiously, as any relief granted may be less effective the longer it is delayed. While Staff's comments are not necessary for the Commission to rule on this complaint, Staff's delay in filing its comments is likely to delay the requested relief and lessen its likelihood of feasibly being implemented. Any delay in granting relief stands to uniquely harm Market Participants and Aspire.

The chance for harm is presented in two ways. First, a delay in commenting and ruling until after the end of summer could lead to a different make up of ERCOT Market Participants. Market Participants come and go from the ERCOT, and delaying a ruling could have the effect of enforcing a ruling against Market Participants who are no longer in the market or are no longer solvent. Second, delaying a ruling and repricing until the winter decreases the likelihood that the derivatives or futures markets, like ICE, will reset their pricing. A delay of this kind by Staff is extremely likely to bar the relief sought by Aspire and could have been filed in order to achieve that end.

CONCLUSION

Staff's Motion for Extension of Time was filed without conferring with counsel and is a meritless attempt to delay and deprives Market Participants and ERCOT of a full briefing of the issues, especially regarding whether ERCOT violated its Protocols. The Motion should be denied and Staff should be ordered to immediately file its comments regarding Aspire's complaint.

Respectfully submitted,



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**ATTORNEY FOR ASPIRE
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CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served on all parties of record to this proceeding on September 9, 2019 by hand delivery, facsimile, or first-class U.S. mail.



Barry M. Hammond, Jr.