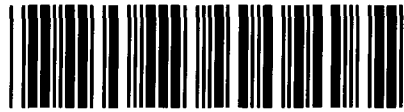


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**DOCKET NO. 49673**

<b>COMPLAINT OF ASPIRE</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>COMMODITIES, LLC AGAINST THE</b>	<b>§</b>	<b>OF TEXAS</b>
<b>ELECTRIC RELIABILITY COUNCIL</b>	<b>§</b>	
<b>OF TEXAS</b>	<b>§</b>	

**ASPIRE COMMODITIES, LLC'S MOTION FOR RECONSIDERATION  
AND OBJECTION TO THE MOTION FOR EXTENSION**

COMES NOW, Aspire Commodities, LLC ("Aspire") and files this Motion for Reconsideration and 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. This is now the Staff's fourth motion for additional time. It seeks a delay that could potentially bar the relief sought by Aspire. And moreover, the motion was premised on the possibility that Aspire's complaint may be dismissed, rendering the Staff's filing moot. Upon reconsideration, the request for an extension of time should be denied so that all parties can benefit from Staff's filing.

**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. This request was granted.

On November 4, 2019, Staff filed a third motion for extension of time, which was granted.

And most recently, on December 5, 2019, Staff has filed a fourth motion for extension of time, in which it sought a delay pending a ruling on ERCOT's motion to dismiss. On the same day, ERCOT's motion to dismiss was denied. Staff's motion's for extension, however, was granted the following day by Administrative Law Judge Order Number 7.

## **II. OJECTIONS**

In addition to the prior reasons for opposing earlier motions for extension of time, this Motion for Extension of Time should be denied for the following reasons:

### **A. The Justification for the Motion No Longer Exists**

Staff filed its motion to avoid filing its reply in the event that Aspire's complaint was dismissed. Order No 6 denied dismissal of the Complaint, and as such the justification for the motion no longer exists.

### **B. The Motion is Meritless**

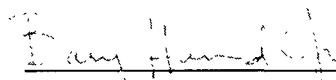
Staff makes the assertion that it is "necessary" to consider ERCOT's motion to dismiss prior to providing comments on Aspire's complaint but provides no basis for this

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.

**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. Upon reconsideration, the Motion should be denied and Staff should be ordered to immediately file its comments regarding Aspire’s complaint.

Respectfully submitted,

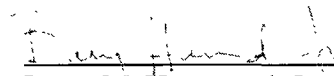


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**ATTORNEY FOR ASPIRE  
COMMODITIES, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this document was served on all parties of record to this proceeding on December 16, 2019 by hand delivery, facsimile, or first-class U.S. mail.

  
\_\_\_\_\_  
Barry M. Hammond, Jr.