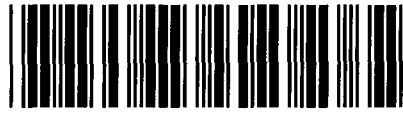




Control Number: 49673



Item Number: 33

Addendum StartPage: 0

DOCKET NO. 49673

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

§ PUBLIC UTILITY COMMISSION
§ OF TEXAS
§
§

**ASPIRE COMMODITIES, LLC'S RESPONSE TO
ERCOT'S REQUEST FOR A SCHEDULING CONFERENCE**

COMES NOW, Aspire Commodities, LLC ("Aspire") and submits this Response to Electric Reliability Council of Texas, Inc.'s ("ERCOT") Request for a Scheduling Conference and respectfully shows the following:

Aspire filed its Complaint in June 2019. Every filing by ERCOT subsequent to that has sought to dismiss the Complaint or delay adjudication on its merits. While this is to be expected, ERCOT's decision to request a scheduling conference instead of filing its motion summary decision according to the schedule agreed to by all parties and PUCT Staff is a continuation of the strategy of delaying an adjudication of the Complaint on its merits.

Additionally, ERCOT's decision violates Texas Rule of Civil Procedure 11. The parties agreed to a procedural schedule, an order granting the agreed procedural schedule is not required for the parties to adhere to it. It is ERCOT's decision not to file a motion for summary decision.

Moreover, the request for a scheduling conference is a meritless attempt to delay justice. ERCOT's request for a scheduling conference seeks to limit the presiding officer's authority to rule on Aspire's Motion for Summary Decision. 16 Texas Administrative Code ("TAC") §22.182, however, empowers the presiding officer to grant a motion for summary decision at any time prior to the closing of the proceedings.

Aspire adhered to the agreed procedural schedule and filed its motion for summary decision on February 18, 2020 pursuant to 16 TAC §182(b) which grants any party the right to file a motion

for summary decision prior to the close of proceedings. ERCOT has the right to respond to Aspire's motion if it chooses to do so.

Conclusion and Request for Relief

For the reasons set forth above, Aspire respectfully requests that the presiding officer deny ERCOT's request for a scheduling conference, issues a procedural schedule that sets a deadline for ERCOT's response to Aspire's Motion for Summary Decision, or alternatively, grants Aspire's Motion for Summary Decision.


Respectfully submitted,

Barry M. Hammond, Jr.
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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 February 19, 2020 by hand delivery, facsimile, or first-class U.S. mail.



Barry M. Hammond, Jr.