



Control Number: 51812



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DRAFT ORDER

MEETING DATE: March 12, 2021

DATE DELIVERED: March 11, 2021

AGENDA ITEM NO.: 2

CAPTION: Project No. 51812 – Issues Related to the State of Disaster for the February 2021 Winter Weather Event

DESCRIPTION: Draft Order

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Executive Director

Public Utility Commission of Texas

TO: Chairman Arthur C. D'Andrea

FROM: Stephen Journey
Commission Counsel

RE: *Issues Related to the State of Disaster For the February 2021 Winter Weather Event*, Project No. 51812, March 12, 2021 Open Meeting, Item No. 2.

DATE: March 11, 2021

The attached draft order is posted for consideration at the open meeting currently scheduled for March 12, 2021.

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PROJECT NO. 51812

**ISSUES RELATED TO THE STATE OF § PUBLIC UTILITY COMMISSION
DISASTER FOR THE FEBRUARY 2021 §
WINTER WEATHER EVENT § OF TEXAS**

**DRAFT ORDER REQUIRING ERCOT TO DISCLOSE
CERTAIN GENERATOR OUTAGE INFORMATION**

On February 22, 2021, ERCOT issued a market notice requesting that resource entities registered with ERCOT authorize disclosure of generator- and load-resource outage information for the days affected by the February 2021 winter outage event for the period of February 12 through 19, 2021.¹ Based on the outage information posted on ERCOT's website on March 4, 2021,² it appears that the wide majority of Resource Entities representing Generation Resources and Energy Storage Resources provided the requested clearance to release their information. However, the posted outage information remains incomplete because approximately 40 Resource Entities did not authorize the requested disclosure.

In the judgment of the Commission, a complete picture of generator availability both during and leading up to the February 2021 winter storm event is critical to facilitating a public dialogue about addressing the causes of those failures. Knowing which units failed, the capacity impact of each failure, and the location and fuel type of each generator, are all relevant considerations in this discussion. Additionally, the Commission is concerned that disclosing outage information for only some generators presents an asymmetry of market information, unfairly punishing those entities that consented to the disclosure for the sake of transparency. But a complete picture can only be developed if all relevant information is included in the analysis of this event. Given these concerns, the Commission believes that it is in the public interest to require disclosure of outage information for all ERCOT-registered generation resources and energy storage resources for the period of February 10-19, 2021.

¹ Notice from ERCOT to Market Participants re Authorization to Disclose Certain Resource-Specific Outage Information, accessed from http://www.ercot.com/services/comm/mkt_notices/archives/5237.

² Letter from Woody Rickerson, Vice President, Grid Planning & Operations of ERCOT to Members of the Texas Senate and Texas House of Representatives dated March 4, 2021, accessed from http://www.ercot.com/content/wcm/lists/226521/ERCOT_Letter_Re_Feb_2021_Generator_Outages.pdf.

The Commission understands that the ERCOT Protocols prohibit the disclosure of outage information within 60 days of the relevant operating day. *See* ERCOT Protocols § 1.3.1.1(1)(c). In ordinary circumstances, this period of confidentiality strikes a reasonable balance between commercial sensitivity and the transparency of relevant market information. But the public need to probe the causes of the February 2021 winter outage event weighs overwhelmingly in favor of a more expedited disclosure of outage information for the few operating days at issue. This discussion is occurring now and should not wait for the expiration of 60 days.

Section 39.151(d) of the Public Utility Regulatory Act (PURA)³ gives the Commission complete authority over ERCOT's operations and provides that any rules adopted by ERCOT are subject to the Commission's continuing oversight. Also, in accordance with 16 Texas Administrative Code § 25.361(b)(2),⁴ ERCOT must perform any duties required by Commission order.

I. Ordering Paragraphs

For the foregoing reasons, the Commission orders as follows:

1. ERCOT shall post on its public website an unredacted version of the Generation Resource and Energy Storage Resource outage data previously posted for the period of February 10 through 19, 2021.
2. Section 1.3.1.1(1)(c) and any other relevant ERCOT Protocols or ERCOT rules are hereby waived to the extent of any inconsistency with this posting requirement.

Signed at Austin, Texas the _____ day of March 2021.

PUBLIC UTILITY COMMISSION OF TEXAS

ARTHUR C. D'ANDREA, CHAIRMAN

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³ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001- 66.016.

⁴ 16 Tex. Admin. Code § 25.361(b)(2).