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**DOCKET NO. 51812**

**OVERSIGHT OF THE ELECTRIC  
RELIABILITY COUNCIL OF TEXAS**

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**BEFORE THE  
PUBLIC UTILITY COMMISSION  
OF TEXAS**

**REQUEST FOR EMERGENCY ACTION**

COMES NOW, Illuminar Energy LLC dba Conservice Energy (“Conservice”) and requests that the Public Utility Commission (“Commission”) order the Electric Reliability Council of Texas (“ERCOT”) to deviate from the deadlines and timing in its Protocols and Market Guides related to settlements, collateral obligations, and invoice payments and suspend the execution or issuance of invoices or settlements for intervals during the dates of February 14, 2021 to February 19, 2021, State executive and legislative leaders consider and implement solutions to the immense financial challenges caused by the 2021 Texas winter event. In support thereof, Petitioners show as follows:

**I.**

On February 21, 2021, the Commission issued an “Order Directing ERCOT to Take Action and Granting Exception to ERCOT Protocols” (hereafter simply “Order”) which explained:

In an attempt to protect the overall integrity of the financial electric market in the ERCOT region, the Commission concludes it is necessary to authorize ERCOT to use its sole discretion in taking actions under the ERCOT Nodal Protocols to resolve financial obligations between a market participant and ERCOT. It is appropriate that ERCOT's discretion include, but not be limited to, ERCOT's ability to take the following actions:

- Deviate from protocol deadlines and timing related to settlements, collateral obligations, and invoice payments;
- Utilize available funds, such as undistributed congestion revenue right auction revenues, to cover short-paying invoice recipients;
- Relax credit requirements and releasing cash or other collateral to provide short-term market-participant liquidity;
- Deviate from protocol requirements regarding the maximum amount of default uplift invoices;

- Suspend breach notifications to certain market participants for failure to make payment or provide financial security; and
- Produce reconciliation settlements following market stabilization.

## II.

In Response to the Order, ERCOT issued this notice on February 22, 2021:

ERCOT is temporarily deviating from Protocol deadlines and timing related to settlements, collateral obligations, and Invoice payments while prices are under review. Invoices or settlements will not be executed until issues are finalized by State leaders considering solutions to the financial challenges caused by the winter event, which is anticipated to occur this week.

Then one day later and without explanation, ERCOT issued a second notice saying that "ERCOT has ended its temporary deviation from protocol deadlines and timing related to settlements, collateral obligations, and invoice payments. Invoices and settlement will be executed in accordance with Protocol language."

This action by ERCOT does not provide opportunity to State leaders to implement solutions necessary to preserve the Texas competitive electricity market. All Load-Serving Entities including Conserve and other Retail Electric Providers, electric cooperatives, municipalities, and their customers will suffer severe and irreparable injury without emergency Commission action. The extreme costs of energy and ancillary services that will be passed on to LSEs and their customers for the dates of the winter weather event will likely drive many participants from the market thereby dramatically decreasing consumer choice. This has the potential to devastate the competitive electricity market that has been a model since implementation and provided untold benefits to consumers.

III.

The Commission's Order noted that PURA §39.151(d) gives the Commission complete authority over ERCOT and the Commission should exercise that authority in these extraordinary circumstances to take all necessary action to preserve the competitive electricity market while State executive and legislative leaders determine the proper policy solutions to resolve the market issues for February 14 to February 19, 2021.

WHEREFORE, PREMISES CONSIDERED, Conservice requests that the Commission immediately restore the deviation to ERCOT Protocols as was originally issued by ERCOT on February 22, 2021, and provide such other and further relief as may be appropriate and necessary.

Respectfully submitted,

By: /s/ Andres Medrano  
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CONSERVICE ENERGY

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on all parties by email on the 25<sup>th</sup> day of February 2021.

/s/Andres Medrano  
Andres Medrano