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PROJECT NO. 52287

**POWER OUTAGE ALERT
CRITERIA**

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**BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS**

COMMENTS OF TEXAS COMPETITIVE POWER ADVOCATES

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

Texas Competitive Power Advocates (TCPA) submits the following comments concerning proposed new 16 Tex. Admin. Code (TAC) § 25.57 relating to Power Outage Alert Criteria, as approved for publication by the Public Utility Commission of Texas (Commission) at its December 17, 2021 open meeting and as published in the *Texas Register* on December 31, 2021.¹

Texas Competitive Power Advocates (TCPA) is a trade association representing power generation companies and wholesale power marketers with investments in Texas and the Electric Reliability Council of Texas (ERCOT) wholesale electric market. TCPA members² and their affiliates provide a wide range of important market functions and services in ERCOT, including development, operation, and management of power generation assets, power scheduling and marketing, energy management services and sales of competitive electric service to consumers. TCPA members participating in this filing provide nearly ninety percent (90%) of the non-wind electric generating capacity in ERCOT, representing billions of dollars of investment in the state, and employing thousands of Texans.

¹ Proposed Rules Title 16 (texas.gov)

² TCPA member companies participating in these comments include: Calpine, Cogentrix, EDF Trading North America, Exelon, Luminant, NRG, Shell Energy North America, Talen Energy, Tenaska, TexGen Power, and WattBridge.

I. General Comments

TCPA appreciates the Commission's continued efforts to better inform the public regarding grid emergencies and potential load shed events. Winter Storm Uri showed the need for a statewide power outage alert system that can be directed to the power region experiencing the emergency, and the proposal for publication balances the importance of informing the public without causing alarm needlessly. The proposal for publication provides the Commission with appropriate options for informing the public through the Power Outage Alert.³

The Proposal for Publication appropriately limits the Power Outage Alert to imminent load shed and applies to the ERCOT region as well as other systems that may have regions within Texas. The inclusion of other systems that oversee electricity for some Texans who are not within ERCOT is important as well as the ability to issue alerts based on the system-wide area as opposed to statewide. This is particularly important since Texas is home to consumers served by the Southwest Power Pool (SPP), the Midcontinent Independent System Operator (MISO), and the Western Electricity Coordinating Council (WECC) as well as ERCOT. It is entirely possible for one of those to experience load shed while the others may not. Allowing alerts to a certain system's customers without alerting other systems' customers that the alert is not applicable to is an important feature of the proposed rule. Similarly, the parameters around load shed or imminent load shed is important to preventing unnecessary alarm among consumers, which can contribute to alert fatigue and desensitization if power loss is not actually experienced following the alert.

³ Proposed 16 TAC §25.57(c)

The Proposal for Publication took into consideration many of the concerns expressed by TCPA member companies in individual comments filed in response to staff questions in August 2021.⁴ Therefore, TCPA has only minimal changes to recommend to the Proposal for Publication and applauds Commission Staff for a thorough and well-thought proposed rule.

First, TCPA recommends that the Commission strike “or as an alternative to” in subsection (c)(2). While TCPA fully supports the Commission using its existing authority to disseminate relevant public information during an emergency, TCPA suggests that the risk of a likely power outage will be more clearly and consistently convey its intended message if other standard Commission communication practices during certain other events cannot also be confused as signaling a likely or already-initiated power outage.

Second, TCPA recommends that the Commission revise subsection (d)(1)(A) to replace “may” with “are likely to,” in order to be consistent with the issuance threshold defined in subsection (c).

Finally, while TCPA recognizes that there can be a significant public appetite for information during extreme events, a lesson from Winter Storm Uri is that several tail risks may coincide or arrive in sequence, and each may have knock-on effects. Some of these factors may not be fully known ahead of or in the middle of an event. Therefore, TCPA respectfully requests that the Commission’s implementation of power outage alerts focus on the primary message of the power outage risk, and utilize other means to communicate information regarding known causes and contributing factors.

⁴ [52287_16_1147260.PDF \(texas.gov\)](#), [52287_15_1147210.PDF \(texas.gov\)](#), and [52287_11_1147093.PDF \(texas.gov\)](#)

TCPA appreciates the opportunity to review the proposal and to provide comment. Our members recommend the Commission adopt the proposed rule with only the two changes explained above.

Dated: January 10, 2022

Respectfully submitted,

A handwritten signature in black ink that reads "Michele Richmond". The signature is written in a cursive, flowing style.

Michele Richmond
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EXECUTIVE SUMMARY OF TCPA COMMENTS

- The proposed rule strikes the appropriate balance between informing the public and ensuring a load shed event is likely to occur.
- Staff did an excellent job of incorporating stakeholder feedback to their questions posed in August 2021.
- Inclusion of systems that serve Texans outside of ERCOT is an important component to the rule.
- Ensuring Power Outage Alerts can be disseminated based on the electric system operation region impacted is a key feature in the proposed rule.
- TCPA recommends adoption of the rule with only the following changes:
 - Strike “or as an alternative to” from subsection (c)(2) to ensure that a likely power outage is consistently communicated, which does not otherwise limit the Commission’s communications channels;
 - Revise subsection (d)(1)(A) to replace “may” with “are likely to,” in order to be consistent with the issuance threshold defined in subsection (c).
- Additionally, TCPA generally recommends that the Commission focus Power Outage Alerts primarily on awareness of a likely outage, and use other channels for disseminating information about circumstances surrounding an event once that information is known with greater certainty.