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I. Comments on PFP

TPPA broadly supports the PFP as drafted, but TPPA makes several suggestions for improvement below.

Proposed 25.57(c) states that the Commission would base its decision on whether to recommend the issuance of a power outage alert on whether “load shed instructions have been issued or are likely to be issued because the system-wide power supply in one or more power regions within Texas may be inadequate to meet demand.”

Under the rule, it appears that ERCOT and non-ERCOT transmission service providers are required to report all load shed instructions, even those for localized events that only affect one transmission service provider. TPPA requests clarification as to whether the Commission would expect to recommend the issuance of a power outage alert for events that affect only one transmission service provider. As noted in its previous comments in this project,² TPPA would oppose the issuance of an alert in this case, as local issues are best handled by the local transmission service provider. Transmission service providers already have communications plans in place, and a state-sponsored alert on top of local communication efforts may result in confusion or panic.

Second, TPPA notes that while the language focusing on inadequate supply to meet demand appears to be taken from statute,³ there are multiple ways to interpret this language (i.e., whether reserves would be included, or whether the Commission will focus on installed generation capacity or available generation capacity).

Fundamentally, all Texans need to understand what kinds of conditions may result in the issuance of a power outage alert so that they can adequately respond to an alert. As such, TPPA requests additional clarification regarding these questions.

Proposed 25.57(f) would require that a power outage alert would provide certain information to the public (including a brief explanation of the circumstances, a statement that a customer may experience a power outage, and where a customer can seek assistance). However, there is not a corresponding requirement as to what form those communications must take. The Commission was given the sole authority to adopt criteria for the content of the power outage alert,⁴ and TPPA believes that that authority also extends to how that content is communicated.

² *Power Outage Alert Criteria*, Project No. 52287, Texas Public Power Association’s Response to Staff’s Request for Comments at 3-4 (Aug. 13, 2021).

³ Tex. Gov’t Code § 411.301(a).

⁴ See Tex. Gov’t Code § 411.301(b).

In its previous comments,⁵ TPPA emphasized the need to provide communications in multiple languages and through methods designed to reach members of the public who have hearing and/or visual impairments, and TPPA recommends that the Commission ensure, to the best of its ability, that language or accessibility barriers do not prevent Texans from receiving a power outage alert in a meaningful way. As such, TPPA believes this rule should include a requirement that power outage alerts be communicated in both English and Spanish (at a minimum) and be integrated with TDD/TTY equipment.

While TPPA supports the provision that a power outage alert would provide information as to where an electricity customer can seek assistance while their power may be out, TPPA requests additional information as to what kinds of assistance the Commission envisions in this circumstance. Customer assistance in an emergency can take multiple forms, including handing out bottled water and providing warming shelters, and coordinating these assistance efforts is important to ensuring that customers receive timely and accurate information in emergency circumstances. A better understanding of the level of detail that would be provided in a power outage alert will aid in providing a coordinated response.


⁵ *Power Outage Alert Criteria*, Project No. 52287, Texas Public Power Association's Response to Staff's Request for Comments at 5 (Aug. 13, 2021).

II. Conclusion

TPPA appreciates the opportunity to submit these comments. TPPA looks forward to working with the Commission, its staff, and the stakeholders on this important rulemaking and this broader discussion in the coming months.

Dated: January 11, 2022

Respectfully,


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- The Commission should provide additional clarification as to the circumstances under which the Commission would expect to recommend a power outage alert be issued:
 - Would the Commission recommend an alert during localized events that affect a single transmission service provider?
 - If the Commission recommends an alert when system-wide power supply is expected to be inadequate to meet demand, would it base its evaluation of power supply on available generation capacity or installed generation capacity? Would the Commission consider reserves before recommending an alert?
- The Commission should ensure that power outage alerts are communicated in ways such that language or accessibility barriers do not prevent Texans from receiving a power outage alert in a meaningful way.
- The Commission should provide additional clarification as to what kinds of assistance a power outage alert would direct customers to utilize. Coordination is critical to ensure that the power outage alert provides timely and accurate information to customers.