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DOCKET NO. 52322

APPLICATION OF THE ELECTRIC § PUBLIC UTILITY COMMISSION
RELIABILITY COUNCIL OF TEXAS, §
INC. FOR A DEBT OBLIGATION § OF TEXAS
ORDER UNDER PURA CHAPTER 39, §
SUBCHAPTER N, FOR AN ORDER §
INITIATING A PARALLEL §
DOCKET, AND FOR A GOOD §
CAUSE EXCEPTION §

**COMMISSION STAFF’S RESPONSE TO ORDER NO. 6 REQUIRING
CLARIFICATION FROM COMMISSION STAFF AND ESTABLISHING DEADLINE
FOR TXU LSES TO RESPOND TO OBJECTION TO AND MOTION TO STRIKE
INTERVENOR TESTIMONY**

On August 16, 2021, the Staff of the Public Utility Commission of Texas (Staff) filed Objections to and Motion to Strike Portions of the Direct Testimony of Amanda Frazier. On August 18, 2021, the administrative law judge (ALJ) filed Order No. 6. The Order required Staff to “specifically identify each attachment, or portion therefore, to which it is objecting” by August 18, 2021. Therefore, this pleading is timely filed.

Staff specifically identifies the following attachments as being referenced within the objectionable portions of the direct testimony of Amanda Frazier:

- AJF-2¹ August 2, 2021 Letter to Commissioners from Texas House State Affairs Committee Chairman Chris Paddie
- AJF-3² Transcript of Testimony Regarding House Bill No. 4492 Before the Texas House Committee on State Affairs, April 1, 2021 and Texas House Floor Debate, May 5 and 6, 2021 and Before the Texas Senate Committee on Business and Commerce, May 20, 2021
- AJF-4³ Transcript of Texas Senate Floor Debate Regarding House Bill No. 4492, May 26, 27, and 30, 2021
- AJF-5⁴ Excerpt of Texas House Journal, May 30, 2021

¹ Referenced in Section V of Direct Testimony of Amanda Frazier at 32:12-13 (Jul. 12, 2021) (Frazier Direct).

² Referenced in Section VI of Frazier Direct at 41:11n10.

³ Referenced in Section V of Frazier Direct at 32:2n6.

⁴ Reference in Section V of Frazier Direct at 37:5n5.

Staff objects to the entirety of these attachments and moves that they be stricken from Ms. Frazier's direct testimony because they are presented in support of her testimony on the correct legal interpretation of Subchapter N of PURA⁵ chapter 36. For example, Attachment AJF-3 is cited in support of the section concluding that a financing order that includes netting cannot be lawfully issued.⁶ Attachment AJF-5 is cited to support Ms. Frazier's interpretation of PURA § 39.001(c).⁷

For sake of completeness, Staff provides the following rephrased list of the objectionable portions of Ms. Frazier's direct testimony.

- All of Section V except page 38, line 9 through page 39, line 10
- All of Section VI
- Section VII: page 41, line 23 through page 43, line 4
- Section VII: page 43, line 17 through page 44, line 15
- Attachments AJF-2, AJF-3, AJF-4, and AJF-5

Staff appreciates the opportunity to clarify its objection and respectfully requests that its objections be sustained and that its motion to strike be granted.

⁵ Public Utility Regulatory Act, Tex. Util. Code § 11.001-66.016.

⁶ Frazier Direct at 41:5-11.

⁷ *Id.* at 36:6-37:13.

Dated: August 18, 2021

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on August 18, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ R. Floyd Walker
R. Floyd Walker