



## Filing Receipt

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**Control Number - 52322**

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**DOCKET NO. 52322**

<b>APPLICATION OF THE ELECTRIC</b>	<b>§</b>	<b>BEFORE THE</b>
<b>RELIABILITY COUNCIL OF TEXAS,</b>	<b>§</b>	
<b>INC. FOR A DEBT OBLIGATION</b>	<b>§</b>	
<b>ORDER TO FINANCE UPLIFT</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>BALANCES UNDER PURA CHAPTER</b>	<b>§</b>	
<b>39, SUBCHAPTER N, AND FOR A</b>	<b>§</b>	
<b>GOOD CAUSE EXCEPTION</b>	<b>§</b>	<b>OF TEXAS</b>

**CITY OF COLLEGE STATION’S MOTION TO INTERVENE AND NOTICE OF INTENTION TO OPT OUT UNDER PURA § 39.653**

COMES NOW, the City of College Station (College Station) and files this Motion to Intervene and Notice of Intention to Opt Out Under PURA § 39.653 in the above-referenced proceeding pursuant to 16 Texas Administrative Code (TAC) §§ 22.103 and 22.104. In support of its Motion, College Station shows as follows:

1. College Station is a municipally-owned utility and a load-serving entity (LSE) that participates in the Electric Reliability Council of Texas (ERCOT) market.

2. On July 16, 2021, ERCOT filed its Application for a Debt Obligation Order to Finance Uplift Balances Under PURA Chapter 39, Subchapter N, for an Order Initiating a Parallel Docket, and for a Good Cause Exception (ERCOT’s Uplift Application). In its application, ERCOT stated that the issues addressed in ERCOT’s Uplift Application concern uplift balance financing and uplift charges to be allocated to and collected from market participants.<sup>1</sup> Additionally, ERCOT sought an Order Initiating a Parallel Docket where LSEs subject to Subchapter N will be required to make their one-time election regarding whether to opt out of uplift charges—if they are eligible to opt out. Under House Bill 4492 § 39.653(d), the Commission “shall develop a one-time process that allows municipally owned utilities . . . to opt out of the uplift charges by paying in full all invoices owed for usage during the period of emergency.”

3. On July 28, 2021, Docket No. 52364, was created as the parallel proceeding to ERCOT’s Uplift Application.

4. College Station is a market participant in ERCOT, a municipally owned utility, and an LSE in ERCOT. As such, College Station is eligible to opt out of the uplift charges if it so

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<sup>1</sup> Application at 5 (Jul. 16, 2021).

chooses, and has a justiciable interest in the proceeding created to allow municipally owned utilities to elect whether to opt out of uplift charges. Additionally, College Station has standing to participate in this proceeding pursuant to Public Utility Regulatory Act (PURA) § 33.025.<sup>2</sup>

5. On August 18, 2021, College Station filed a Motion to Intervene in Docket No. 52364 expecting to make its one-time election regarding whether to opt out of uplift charges in that proceeding.

6. Because the decision to opt out is a matter to be determined in Docket No. 52364, College Station has not previously filed a Motion to Intervene in Docket No. 52322.

7. On September 20, 2021, parties to Docket No. 52322 filed an “Unopposed Partial Stipulation and Settlement Agreement” (Settlement) resolving issues before the Commission in this proceeding. Additionally, certain LSEs that were parties to the case made elections to opt out in Docket No. 52322 rather than Docket No. 52364. Those entities that have opted out in this proceeding will no longer be required to participate in Docket No. 52364.

8. The signatories to the Settlement also included Section 7 setting out the information necessary to effectuate opting out in Docket No. 52364. Notably, the steps to opting out in Docket No. 52364 are more extensive than the requirements to opt out in Docket No. 52322.

9. Based upon the foregoing, College Station requests that this Motion to Intervene in Docket No. 52322 be granted.

10. College Station hereby opts out of the securitization authorized under Chapter 39, Subchapter N of the PURA.

11. If this motion is granted, College Station respectfully requests the Commission consider the City of College Station a signatory to the Settlement and that College Station be added to the Settlement’s Attachment B, List of Load Serving Entities Opting Out, as a municipally owned utility who is a party to this proceeding that has opted out of receiving securitization proceeds and being assessed Uplift Charges under Chapter 39, Subchapter N of PURA.

12. College Station’s authorized representatives in this matter are:

Thomas L. Brocato  
Taylor P. Denison  
Lloyd Gosselink Rochelle & Townsend, P.C.  
816 Congress Avenue, Suite 1900  
Austin, Texas 78701

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<sup>2</sup> Public Utility Regulatory Act, Tex. Util. Code Ann. § 33.025 (PURA).

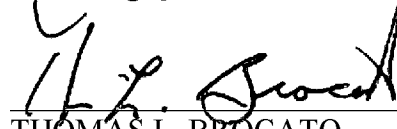
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WHEREFORE PREMISES CONSIDERED, College Station respectfully requests that this Motion to Intervene be granted.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE  
& TOWNSEND, P.C.**

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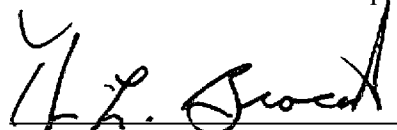
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**ATTORNEYS FOR CITY OF COLLEGE  
STATION**

**CERTIFICATE OF SERVICE**

I certify that notice of the filing of this document was provided to all parties of record via electronic mail on September 29, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.



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THOMAS L. BROCATO