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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, AND REQUEST	§	
FOR A GOOD CAUSE EXCEPTION	§	

AGREED REQUEST FOR CLARIFICATION

On July 16, 2021, The Electric Reliability Council of Texas, Inc. (ERCOT) filed an application for a debt obligation order under PURA¹ chapter 39, subchapter N. The Staff of the Public Utility Commission of Texas (Staff), with the agreement of ERCOT, respectfully requests clarification on the dates for the hearing on the merits in this proceeding and procedural issues related to the process for opting out under PURA § 39.653(d).

I. DATES FOR HEARING ON THE MERITS

On July 28, 2021, the administrative law judge (ALJ) convened a prehearing conference and announced that it was likely that the hearing on the merits for this proceeding would take place on August 23, 24, and 25, 2021. The ALJ also stated that the Commission would confirm the hearing dates at the open meeting on July 29, 2021. As such, the procedural schedule adopted in Order No. 2, filed July 29, 2021, did not include dates for a hearing on the merits.

At the open meeting, the Commission confirmed that the hearing will be held “the week of August 23rd.” Staff respectfully requests clarification as to the specific dates during the week of August 23rd that the hearing will take place.

II. CONTESTED ISSUES RELATED TO OPT OUT PROCESS

Staff respectfully requests clarification regarding the scope of this proceeding and whether it will encompass contested issues related to the one-time opt out process the Commission must develop pursuant to PURA § 39.653(d). On July 27, 2021, Staff filed recommendations addressing ERCOT’s request to open a parallel proceeding. On July 30, 2021, TXU Energy Retail Company

¹ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.016.

LLC, Ambit Texas, LLC, Luminant ET Services Company LLC, TriEagle Energy LP, and Value Based Brands LLC dba 4Change Energy, Express Energy, and Veteran Energy (collectively, TXU), filed a response recommending that the Commission determine the process and requirements that will govern opt-out decisions in this proceeding.

As explained in Staff's July 27th filing, the one-time, opt-out process is not an expressly enumerated component of the debt obligation order, so there is nothing requiring the Commission to develop that process in the instant proceeding.² Moreover, the 90-day timeline in which the Commission must issue the debt obligation order³ supports an approach that places the parties' and the Commission's focus on the issues most central to the components of the debt obligation order described in PURA § 39.653(b) and (e). For both legal and practical reasons, Staff and ERCOT re-urge an approach that shifts the discussion of all issues related to the opt out process to the parallel proceeding. In addition, Staff reiterates its willingness to begin working with affected load-serving entities now to try and address what they see as potential issues with the opt out process.

III. CONCLUSION

Staff respectfully requests the entry of an order clarifying the dates for the hearing on the merits and the scope of this proceeding as well as the scope of the parallel proceeding, Docket No. 52364.

² See generally, PURA § 39.653.

³ PURA § 39.653(f).

Dated: August 3, 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 on August 3, 2021 in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ R. Floyd Walker
