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**PUC DOCKET NO. 52364**

**PROCEEDING FOR ELIGIBLE  
ENTITIES TO FILE AN OPT OUT  
PURSUANT TO PURA § 39.653(d) AND  
FOR LOAD-SERVING ENTITIES TO  
FILE DOCUMENTATION OF  
EXPOSURE TO COSTS PURSUANT TO  
THE DEBT OBLIGATION ORDER IN  
DOCKET NO. 52322**

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**PUBLIC UTILITY COMMISSION OF  
TEXAS**

**MOTION TO INTERVENE OF THE TXU LSES**

TXU Energy Retail Company LLC (“TXU Energy”), Ambit Texas, LLC (“Ambit”), Luminant ET Services Company LLC (“ETS”), TriEagle Energy LP (“TriEagle”), and Value Based Brands dba 4Change Energy, Express Energy, and Veteran Energy (“VBB”) (collectively, the “TXU LSEs”) file this Motion to Intervene in the above-referenced proceeding pursuant to 16 Tex. Admin. Code (“TAC”) §§ 22.103 and 22.104, and in support thereof, respectfully show as follows:

**I. BASIS FOR INTERVENTION**

On July 16, 2021, the Electric Reliability Council of Texas, Inc. (“ERCOT”) filed an application for a debt obligation order pursuant to Chapter 39, Subchapter N, of the Public Utility Regulatory Act (“PURA”).<sup>1</sup> On July 28, 2021, the Commission held a prehearing conference during which the administrative law judge granted the TXU LSEs’ motion to intervene in the proceeding. Docket No. 52364 is a parallel proceeding to Docket No. 52322 initiated to allow eligible entities the ability to file an opt out pursuant to PURA § 39.653(d) and to provide load serving entities (“LSEs”) with the ability to provide documentation of their exposure to uplift charges.

Each of the TXU LSEs is a LSE that was exposed to the costs included in the uplift balance (as defined in § 39.652(4) of PURA) and as a LSE, each will be required to submit documentation of its exposure. The TXU LSEs further have an interest in this proceeding to the

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<sup>1</sup> Tex. Util. Code §§ 11.001-66.016.

extent eligible entities' exercise their right to opt out of the uplift charges. Therefore, each TXU LSE has a justiciable interest that may be adversely affected by the outcome of the proceeding.

## II. CONTACT INFORMATION

The TXU LSEs' authorized legal representatives in this proceeding are:

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The TXU LSEs' authorized regulatory representative in this proceeding is:

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All pleadings, orders, and other documents in this proceeding should be served on the TXU LSEs' legal and regulatory representatives.

### **III. REQUEST FOR RELIEF**

For the reasons stated in this Motion to Intervene, each of the TXU LSEs has a substantial and justiciable interest that may be adversely affected by the outcome of this proceeding. The TXU LSEs therefore respectfully request that the Commission grant this Motion to Intervene and allow the TXU LSEs to participate as parties in the proceeding.

**Respectfully submitted,**

By: John L. Munn /ln  
John L. Munn (with permission)  
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**ATTORNEYS FOR THE TXU LSEs**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document was served on all parties of record in this proceeding on September 13, 2021, by either facsimile or first-class U.S. mail.

William A. Moore  
William A. Moore (with permission)