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DOCKET NO. 52364

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

CITY OF AUSTIN D/B/A AUSTIN ENERGY’S MOTION TO INTERVENE

COMES NOW, the City of Austin d/b/a Austin Energy (Austin Energy) and files this Motion to Intervene in the above-referenced proceeding pursuant to 16 Texas Administrative Code (TAC) §§ 22.103 and 22.104. In support of its Motion, Austin Energy shows as follows:

1. Austin Energy is a municipally-owned utility that manages a large, diverse generation resource portfolio, operates as a transmission and distribution utility including responding to load shed directives from the Electric Reliability Council of Texas (ERCOT), and provides retail electricity service to an expansive customer base ranging from residential to large commercial and industrial customers in the Austin metropolitan region.

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).¹ On July 23, 2021, Austin Energy filed a motion to intervene in Docket No. 52322,² and on July 28, 2021, the Public Utility Commission of Texas (Commission) held a prehearing conference, during which Austin Energy’s motion to intervene was granted.³

¹ *Application of the Electric Reliability Council of Texas, Inc. 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, Docket No. 52322, ERCOT’s Uplift Application (Jul. 16, 2021).*

² *Application of the Electric Reliability Council of Texas, Inc. 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, Docket No. 52322, Austin Energy’s Motion to Intervene (Jul. 23, 2021).*

³ *Application of the Electric Reliability Council of Texas, Inc. 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, Docket No. 52322, Order No. 2 Finding Application Sufficient and Notice Reasonable, Memorializing Prehearing Conference, and Adopting Amended Procedural Schedule (Jul. 29, 2021).*

3. In its application, ERCOT states that all wholesale market participants in ERCOT will be affected by the Debt Obligation Order requested in its application.⁴ The issues addressed in ERCOT's Uplift Application concern uplift balance financing and uplift charges to be allocated to and collected from market participants. The underlying proceeding, Docket No. 52364, was created as the parallel proceeding to ERCOT's Uplift Application in which load-serving entities (LSE) 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.” Austin Energy is a market participant in ERCOT, a municipally owned utility, and an LSE in ERCOT. As such, Austin Energy is eligible to opt out of the uplift charges if it so chooses, and has a justiciable interest in the proceeding created to allow municipally owned utilities to elect whether to opt out of uplift charges.

4. Additionally, Austin Energy has standing to participate in this proceeding pursuant to Public Utility Regulatory Act (PURA) § 33.025.⁵

5. Austin Energy's authorized representatives in this matter are:

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⁴ ERCOT's Uplift Application at 5 (Jul. 16, 2021).

⁵ Public Utility Regulatory Act, Tex. Util. Code Ann. § 33.025 (PURA).

WHEREFORE PREMISES CONSIDERED, Austin Energy respectfully requests that this Motion to Intervene be granted.

Respectfully submitted,

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

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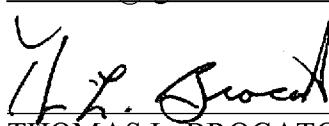
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**ATTORNEY FOR CITY OF AUSTIN,
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CERTIFICATE OF SERVICE

I certify that notice of the filing of this document was provided to all parties of record via electronic mail on August 5, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.



THOMAS L. BROCATO