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

**ERCOT’S SUPPLEMENTAL UPDATE
REGARDING THE OPT-OUT DEADLINE**

On November 30, 2021, Electric Reliability Council of Texas, Inc. (ERCOT) filed *ERCOT’s Report Regarding Opt-Out Entities* to provide information to the Public Utility Commission of Texas (Commission) and interested parties regarding the entities that filed a notice to opt out of proceeds and uplift charges authorized by the Debt Obligation Order (DOO) entered in PUC Docket No. 52322, *Application of the Electric Reliability Council of Texas, Inc. for a Debt Obligation Order to Finance Uplift Balances under PURA Chapter 39, Subchapter N, and for a Good Cause Exception*. In that filing, ERCOT provided a list of eligible entities identified by ERCOT as having filed a *timely* notice to opt out of proceeds and uplift charges authorized by the DOO—i.e., entities that showed on the Commission’s Interchange as having filed an opt out notice on or before 3:00 PM CPT on November 29, 2021.

16 Tex. Admin. Code (TAC) § 22.71(h) provides that “All documents shall be filed by 3:00 p.m. on the due date, unless otherwise ordered by the presiding officer.” As of the time of this filing, sixty-four (64) additional opt-out filings have been made since the November 29, 2021, 3:00 PM deadline. For ERCOT to calculate the allocation of PURA Subchapter N proceeds for LSEs by the deadline set forth in the DOO (i.e., December 7, 2021), ERCOT must have a complete

list of opt-out entities no later than end of day Thursday, December 2, 2021. ERCOT will work over the weekend to meet the December 7 deadline.

If the Commission wishes for ERCOT to consider opt-out requests of any entities that filed complete opt-out notifications *after* 3:00 PM on November 29, 2021, then ERCOT respectfully requests that the administrative law judge (ALJ) or the Commission provide ERCOT with an order identifying the specific date and time to be used by ERCOT in determining whether an eligible entity has opted-out under the DOO. To meet the December 7, 2021 deadline, ERCOT would need an order modifying the deadline set forth by 16 TAC § 22.71(h) no later than end of day Thursday, December 2, 2021.

As mentioned in ERCOT's November 30, 2021 filing, *unless* the presiding officer orders ERCOT to include entities that filed complete opt-out notifications after the 3:00 PM deadline, or ERCOT is otherwise directed by the Commission to include such entities, ERCOT will not consider any entities that filed opt-out notifications filed after 3:00 PM, as identified on the filing's timestamp on the Commission's Interchange, as having opted-out of proceeds and uplift charges under PURA Chapter 39, Subchapter N.

ERCOT appreciates the Commission's consideration and stands ready to take further action, as directed by the Commission, to ensure proper completion of the processes authorized by the DOO.

Respectfully Submitted,

/s/ Juliana Morehead Sersen

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ATTORNEYS FOR ELECTRIC RELIABILITY
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CERTIFICATE OF SERVICE

This pleading was filed with the Commission on December 1, 2021. I hereby certify that the pleading was served by email on all parties that have intervened in this docket and on Commission Staff.

/s/ Erika M. Kane