



Filing Receipt

Filing Date - 2024-09-19 08:14:46 AM

Control Number - 52709

Item Number - 61

DOCKET NO. 52709

COMPLIANCE FILING FOR DOCKET	§	PUBLIC UTILITY COMMISSION
NO. 52321 (APPLICATION OF	§	
ELECTRIC RELIEABILITY COUNCIL	§	OF TEXAS
OF TEXAS INC. FOR A DEBT	§	
OBLIGATION ORDER PURSUANT TO	§	
CHAPTER 39, SUBCHAPTER M, OF	§	
THE PUBLIC UTILITY REGULATORY	§	
ACT)	§	

COMMISSION STAFF'S RESPONSE TO ORDER 15

On October 13, 2021, the Public Utility Commission of Texas issued a debt obligation order (Debt Obligation Order)¹ pursuant to Chapter 39, Subchapter M, of the Public Utility Regulatory Act (PURA).² In accordance with the Debt Obligation Order, the Electric Reliability Council of Texas (ERCOT) was ordered to make certain filings in this docket. On September 13, 2024, ERCOT filed a True-Up Compliance Filing (True-Up Filing) that detailed ERCOT's compliance with the true-up provisions of the Debt Obligation Order.³

On September 16, 2024, the administrative law judge (ALJ) issued Order No. 15, directing Staff (Staff) of the Public Utility Commission of Texas (Commission) to make recommendations as to the sufficiency of the true-up filing by ERCOT, including its opinion as to whether the filing and the request for an increase to the default charge comply with PURA⁴ and the Debt Obligation Order, by September 19, 2024. Therefore, this pleading is timely filed.

I. RECOMMENDATION

Commission Staff has reviewed ERCOT's True-Up Filing, and, as explained in the memorandum of Darryl Tietjen, Division Director, Rate Regulation Division, Staff recommends that ERCOT's True-Up Filing be found to be sufficient and complete. Staff further recommends that ERCOT's True-Up filing and the plans described therein be found to be in compliance with PURA and the relevant provisions of the Debt Obligation Order.

III. CONCLUSION

¹ *Application of the Electric Reliability Council of Texas, Inc. for a Debt Obligation Order Under PURA Chapter 39, Subchapter M, and Request for a Good Cause Exception*, Docket No. 52321 (Oct. 13, 2021).

² Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.016.

³ Debt Obligation Order, Findings of Fact Nos. 65-66 and 74 and Ordering Paragraph Nos. 15 and 15A.

⁴ *Id.*

Staff respectfully requests the issuance of an order consistent with the foregoing.

Dated: September 19, 2024

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Marisa Lopez Wagley
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/s/ Dylan King

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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document will be provided to all parties of record via electronic mail on September 19, 2024, in accordance with the Second Order Suspending Rules issued in Project No. 50664.

/s/ Dylan King
Dylan King

Public Utility Commission of Texas

Memorandum

TO: Dylan King, Legal Division

FROM: Darryl Tietjen, Rate Regulation Division

DATE: September 19, 2024

RE: Docket No. 52709 – *Compliance Filing for Docket No. 52321 (Application of Electric Reliability Council of Texas Inc. for a Debt Obligation Order Pursuant to Chapter 39, Subchapter M, of the Public Utility Regulatory Act)*

Introduction

On September 16, 2024, the Commission’s Office of Policy and Docket Management issued *Order No. 15, Requiring Commission Staff Recommendations and Establishing Objections Deadline* in this docket. The order requires Commission Staff to make, by September 19, 2024, “recommendations as to the sufficiency of the filing by ERCOT, including its opinion as to whether the filing and the request for an increase to the default charge comply with PURA and the Debt Obligation Order.”

Discussion

On September 16, 2024, the Electric Reliability Council of Texas, Inc. (ERCOT), in its role as servicer (Servicer) of the bonds issued under Subchapter M of Chapter 39 of the Public Utility Regulatory Act, filed its mandatory annual true-up filing and notice of a need for an increase in its default charges under the provisions of the Debt Obligation Order adopted by the Commission in Docket No. 52321.¹

The Servicing Agreement requires an annual true-up calculation to be prepared no later than forty-five (45) days prior to the first collection period of each October. True-up adjustments are based on cumulative differences, regardless of the reason, between the periodic payment requirements and the amount of default charge remittances made to the Indenture Trustee by the Servicer. ERCOT provides calculations in its filing indicating the need to adjust the monthly default charges from \$1,926,208 to \$2,234,826, an increase of \$308,618.

Effective Date of True-up Adjustment

In addition to filing the annual calculation, the Servicer is required to file notice regarding mandatory true-up adjustments with the Commission not less than forty-five (45) days prior to the first billing cycle of the month in which the revised default charges shall come into effect. As Servicer, ERCOT proposes an effective date of the revised default charges for the November 2024

¹ *Application of the Electric Reliability Council of Texas, Inc. for a Debt Obligation Order Pursuant to Chapter 39, Subchapter M, of the Public Utility Regulatory Act*, Docket No. 52321, Final Debt Obligation Order (Oct. 14, 2021).

billing period. In accordance with Finding of Fact No. 74 of the Debt Obligation Order, the Commission has fifteen (15) days after the date of this filing to confirm that the true-up filing complies with PURA and the Debt Obligation Order. Any true-up adjustment filed with the Commission is effective on its proposed effective date, which will not be less than fifteen (15) days after filing. Any necessary corrections to the adjusted default charges due to mathematical errors in the calculation of the default charges will be made in future true-up adjustments.

Recommendation

I recommend that the Commission find that ERCOT's September 13, 2024 filing in this compliance docket is sufficient and complete. Further, it is my opinion that ERCOT's proposal to increase the monthly default charges from \$1,926,208 to \$2,234,826 complies with PURA and the requirements of the Debt Obligation Order. Accordingly, I recommend that the Commission approve ERCOT's filing and the proposals included therein.