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**PROJECT NO. 52786**

**ERCOT COMPLIANCE REPORTS OF  
GENERATION RESOURCE WINTER  
READINESS PURSUANT TO 16 TAC  
§ 25.55(C)(4)**

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**BEFORE THE  
PUBLIC UTILITY COMMISSION  
OF TEXAS**

**KCE TX 8 LLC’s RESPONSE TO COMMISSION STAFF’S NOTICE OF  
DISAGREEMENT WITH KCE TX 8 LLC’S ASSERTION OF GOOD CAUSE**

KCE TX 8, LLC (“KCE”) hereby submits its Response to Commission Staff’s Notice of Disagreement with KCE TX 8 LLC’S Assertion of Good Cause. As set forth below, because KCE asserts that it is in compliance with the training requirements in 16 TAC § 25.55(c)(1)(D) for which it initially sought the good cause exception, KCE no longer seeks a good cause exception. This response is timely filed.<sup>1</sup>

**I. BACKGROUND**

On December 1, 2021, KCE submitted a winter weather readiness report (WWRR) to the Electric Reliability Council of Texas (ERCOT) in compliance with 16 TAC § 25.55(c)(2). The WWRR requested an exception for good cause for non-compliance with the weatherization training requirement, codified at 16 TAC § 25.55(c)(1)(D). On December 17, 2021, Public Utility Commission of Texas Staff (“Commission Staff”) filed its Notice of Disagreement with KCE TX 8 LLC’s Assertion of Good Cause.

**II. PROOF OF COMPLIANCE**

KCE hereby provides, in attachment Exhibit A, evidence of KCE having completed the weatherization training and that it is in compliance with 16 TAC § 25.55(c)(1)(D). The Exhibit A is the affidavit of Sam Harper Jones III, Key Capture Energy, LLC’s Manager, Operations and Maintenance, providing evidence of compliance with the 16 TAC § 25.55(c)(2). Exhibit A describes the content and recipients of the training, which was completed prior to submission of

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<sup>1</sup> See Staff’s Notice of Disagreement with KCE TX 2 LLC’s Assertion of Good Cause (Dec. 17, 2021), footnote 1 (designating December 29, 2021 as the deadline for KCE’s response).

this Response. KCE seeks amendment of its WWRR to include Exhibit A, evidencing that the training required by the Commission's rule has been completed.

### **III. PRAYER FOR RELIEF**

KCE respectfully asks Commission Staff to withdraw its Notice of Disagreement, which is now moot, and seeks amendment of its WWRR to include the attached Exhibit A, which demonstrates compliance with 16 TAC § 25.55(c)(1)(D).

**Respectfully submitted,**

By:  \_\_\_\_\_

Rachel Goldwasser  
General Counsel  
Key Capture Energy, LLC  
25 Monroe Street, Suite 300  
Albany, NY 12210  
rachel.goldwasser@keycaptureenergy.com

**Attorney for KCE TX 8, LLC**

**CERTIFICATE OF SERVICE**


I certify that on December 28, 2021, a true copy of this document was served by email, as directed in the July 16, 2020 Second Order Suspending Rules in Project No. 50664, on the following:

**ERCOT**

Nathan Bigbee  
Assistant General Counsel  
Chad V. Seely  
Vice President & General Counsel  
7620 Metro Center Drive  
Austin, Texas 78744  
[nathan.bigbee@ercot.com](mailto:nathan.bigbee@ercot.com)  
[chad.seely@ercot.com](mailto:chad.seely@ercot.com)

**Public Utility Commission of Texas**

Courtney Dean  
Barksdale English  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
[courtney.dean@puc.texas.gov](mailto:courtney.dean@puc.texas.gov)  
[barksdale.english@puc.texas.gov](mailto:barksdale.english@puc.texas.gov)

  
\_\_\_\_\_  
Rachel Goldwasser

# **EXHIBIT A**

**PROJECT NO. 52786**

**ERCOT COMPLIANCE REPORTS OF  
GENERATION RESOURCE WINTER  
READINESS PURSUANT TO 16 TAC  
§ 25.55(C)(4)**

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**BEFORE THE  
PUBLIC UTILITY COMMISSION  
OF TEXAS**

**AFFIDAVIT OF SAM HARPER JONES III**

**STATE OF TEXAS** §

**COUNTY OF HARRIS** §

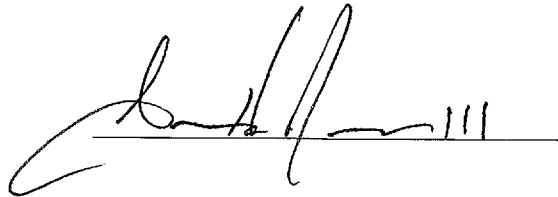
I, Sam Harper Jones III, am over 18 years of age and I am competent to execute this affidavit. The following facts are true and correct to the best of my knowledge and belief, and I declare:

1. I am a Manager, Operations and Maintenance for Key Capture Energy, LLC, and in that capacity, I provide Operations and Management services to all of Key Capture Energy's facilities in Texas, including KCE TX 8, LLC. I am qualified and authorized to provide the information in this affidavit relating to training provided by Key Capture Energy regarding winter weather readiness to the Key Capture Energy operations team.
2. I am personally familiar with the preparation and delivery of the Winter Weather Training. I prepared and provided that training to the Key Capture Energy team responsible for winter weather preparedness and other operations matters. I provided that training together with Kenneth Rush, Key Capture Energy's Vice President of Technology.
3. On December 22, 2021, Key Capture Energy provided Winter Weather Training to the operations team that provides services in the ERCOT region. Several members of the Key Capture Energy leadership team also participated in the training. The training occurred live, on Microsoft Teams. The individuals participating in that training included:
  - a. Sam Harper Jones III, Manager, Operations and Maintenance
  - b. Kenneth Rush, VP of Technology
  - c. James Vopelius, Director of HSEQ
  - d. Jeffery Bishop, Chief Executive Officer
  - e. Daniel E. Fitzgerald, Chief Operating Officer
  - f. John Bresnahan, Chief Financial Officer
  - g. Rachel Goldwasser, General Counsel

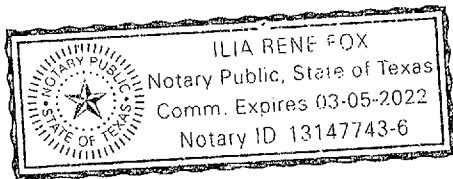
- h. Joel Turkheimer, VP, Market Operations
  - i. Danny Musher, Director, Market Design
  - j. Josh Webb, Senior Controls System Engineer
  - k. Heath Sloan, Manager, Operations and Maintenance
  - l. David Muniz, Lead Controls System Engineer
4. The Winter Weather Training addressed topics relevant to winter weather operations, including:
- a. Required periodic maintenance activities;
  - b. Required site and facility inspections;
  - c. Weather monitoring requirements;
  - d. Personal protective equipment requirements in winter weather conditions;
  - e. Personnel safety requirements in winter weather conditions;
  - f. Required monitoring of ambient temperature inside battery containers;
  - g. Emergency response and communication procedures during winter weather events; and
  - h. Internal and external communications and monitoring during winter weather periods covered by ERCOT notices, advisories, or alerts;
5. All participants responded to (and passed) an end-of-training test.

FUTHER AFFIANT SAYETH NOT

Signed this 23 day of December, 2021



SUBSCRIBED AND SWORN TO ME the undersigned authority on this 23<sup>rd</sup> day of December, 2021



Notary Public, State Texas