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PROJECT NO. 52786

ERCOT COMPLIANCE REPORTS OF § PUBLIC UTILITY COMMISSION
GENERATION RESOURCE WINTER §
READINESS PURSUANT TO 16 TAC § OF TEXAS
§ 25.55(C)(4) §

**NOTICE OF WITHDRAWAL OF DISAGREEMENT WITH SWEENEY
COGENERATION LLC'S ASSERTION OF GOOD CAUSE**

On December 3, Sweeny Cogeneration LLC (Sweeny) submitted to the Electric Reliability Council of Texas, Inc. (ERCOT) winter weather readiness reports (WWRR) for four generation resources as required by 16 TAC § 25.55(c)(2). The report included one or more assertion(s) of good cause for non-compliance with the Commission's weather preparedness requirements established under 16 TAC § 25.55(c)(1). Sweeny's WWRRs included an assertion of good cause for non-compliance with the Commission's weatherization requirements established under 16 TAC § 25.55(c)(1)(B). Specifically, Sweeny sought an exception from the 16 TAC § 25.55(c)(1)(B) requirement to install monitoring systems for cold weather critical components.

On December 17, 2021, Commission Staff filed in this project a notice of its disagreement with the above-described assertion of good cause.¹ Commission Staff also notified Sweeny that it must, within seven days of receiving the notice of disagreement, provide the Commission with proof of compliance, or alternatively, may preserve the disputed good cause assertion by submitting to the Commission a request for approval of a good cause exception pursuant to 16 TAC § 25.55(c)(6)(C).

On December 29, 2021, Sweeny filed its response to the notice of disagreement.² In its response, Sweeny offered verification of its compliance with the 16 TAC § 25.55(c)(1)(A) requirements. More specifically, Sweeny provided a sworn affidavit attesting that as of December 20, 2021, Sweeny had completed all requirements described in 16 TAC § 25.55(c)(1)(B), and that, to the extent that it could not meet any of the requirements, it had taken all reasonable measures to

¹ *ERCOT Compliance Reports of Generation Resource Winter Readiness Pursuant to 16 TAC § 25.55(c)(4)*, Project No. 52786, Notice of Disagreement with Sweeny Cogeneration LLC's Assertion of Good Cause (Dec. 17, 2021).

² *ERCOT Compliance Reports of Generation Resource Winter Readiness Pursuant to 16 TAC § 25.55(c)(4)*, Project No. 52786, Sweeny Cogeneration LLC's Notice of Compliance with 16 TAC § 25.55(c)(1)(B) and in the Alternative Petition for Approval of Good Cause Exception Pursuant to TAC 16 § 25.55(c)(6)(C) and (E) (Dec. 29, 2021).

ensure that its resources are able to operate properly during the winter. Because Sweeny asserts that it is now in compliance with the weatherization requirements in 16 TAC § 25.55(c)(1)(B) to the greatest reasonable extent, Sweeny no longer asserts good cause for non-compliance.

Commission Staff has reviewed Sweeny's response, agrees that Sweeny is now in compliance with all filing requirements under 16 TAC § 25.55(c)(2), and has determined that Sweeny's good cause assertion is now moot. As a result, Commission Staff withdraws its disagreement with Sweeny's Good Cause Assertion(s) and investigation record number 2021120029 will be closed with no additional action required.

Dated: January 21, 2022

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS

**COMPLIANCE AND ENFORCEMENT
DIVISION**

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CERTIFICATE OF SERVICE

I certify that notice of filing of this document was provided to all parties of record via electronic mail on January 21, 2022 in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Van Moreland
Van Moreland