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Received - 2021-12-23 11:15:35 AM
Control Number - 52925
ItemNumber - 4

DOCKET NO. 52925

NOTICE OF VIOLATION BY BULL	§	PUBLIC UTILITY COMMISSION
CREEK WIND LLC FOR VIOLATIONS	§	
OF 16 TAC § 25.55, CONCERNING	§	OF TEXAS
FAILURE TO COMPLY WITH	§	
WINTER WEATHER EMERGENCY	§	
PREPAREDNESS REPORTING	§	
REQUIREMENTS	§	

**BULL CREEK WIND LLC’S REQUEST FOR A HEARING AND
SETTLEMENT CONFERENCE**

TO THE HONORABLE CHAIRMAN AND COMMISSIONERS OF THE PUBLIC UTILITY COMMISSION OF TEXAS:

Bull Creek Wind LLC (“Bull Creek”) files this request for a hearing pursuant to 16 Tex. Admin. Code (“TAC”) § 22.246(g)(3) and files this request for a settlement conference pursuant to 16 TAC § 22.246(h).

I. Background

Bull Creek received the Executive Director’s Notice of Violation (“NOV”) on December 8, 2021. The claims in the NOV are as follows:

Bull Creek has violated 16 TAC § 25.55(c)(2) by failing to submit to ERCOT required winter weather emergency preparedness information for two separate generation resources. Further, Bull Creek continues to violate 16 TAC § 25.55(c)(2) each day until the required information has been submitted to ERCOT.¹

The NOV proposes that an administrative penalty of \$1,100,000 be levied against Bull Creek for the violations described in the NOV. Bull Creek filed the winter weather readiness reports described by 16 TAC § 25.55(c)(2) on December 8, 2021, immediately upon receipt of the NOV, and has therefore remedied any continuing violation. Further, the untimely filing was

¹ *Notice of Violation by Bull Creek Wind LLC for violations of 16 TAC § 25.55, Concerning Failure to Comply with Winter Weather Emergency Preparedness Reporting Requirements, Docket No. 52925, Notice of Violation at 2 (Dec. 8, 2021) (“NOV”).*

accidental or inadvertent. The generation resources referenced in the NOV were appropriately weatherized within the parameters of 16 TAC § 25.55(c)(1) on or before December 1, 2021, and the NOV does not include any allegation to the contrary.

Pursuant to 16 TAC § 22.246(g)(3), Bull Creek may file a written request for a hearing within twenty (20) days of receiving the NOV, or December 28, 2021. Additionally, Bull Creek may request a formal settlement conference pursuant to 16 TAC § 22.246(h).

II. Authorized Representatives

Bull Creek's representatives in this proceeding are:

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Please provide copies of all pleadings or documents in this docket to the authorized representatives listed above.

III. Request for Hearing and Settlement Conference

Bull Creek respectfully requests a hearing regarding the amount of the administrative penalty proposed in the NOV pursuant to 16 TAC § 22.246(g)(3). Bull Creek also respectfully requests a settlement conference pursuant to 16 TAC § 22.246(h). Additionally, Bull Creek requests the settlement conference take place before the matter is referred to the State Office of Administrative Hearings.

IV. Conclusion

Bull Creek respectfully requests that its request for a hearing and settlement conference be granted and all other relief to which it is entitled.

Respectfully submitted,

/s/ Alaina Zermeno

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ATTORNEYS FOR BULL CREEK WIND LLC

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this pleading has been forwarded to all parties of record via electronic mail on the 23rd day of December 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Alaina Zermeno

Alaina Zermeno