



## Filing Receipt

**Received - 2023-03-01 05:05:44 PM**  
**Control Number - 52928**  
**ItemNumber - 22**

**DOCKET NO. 52927**

<b>NOTICE OF VIOLATION BY LAMESA</b>	<b>§</b>	
<b>SOLAR II, LLC FOR VIOLATIONS OF</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>16 TAC § 25.55, CONCERNING</b>	<b>§</b>	
<b>WINTER WEATHER READINESS</b>	<b>§</b>	<b>OF TEXAS</b>
<b>REPORTING REQUIREMENTS</b>	<b>§</b>	

**DOCKET NO. 52928**

<b>NOTICE OF VIOLATION BY MIDWAY</b>	<b>§</b>	
<b>SOLAR, LLC FOR VIOLATIONS OF 16</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>TAC § 25.55, CONCERNING WINTER</b>	<b>§</b>	
<b>WEATHER READINESS REPORTING</b>	<b>§</b>	<b>OF TEXAS</b>
<b>REQUIREMENTS</b>	<b>§</b>	

**AGREED MOTION TO CONSOLIDATE**

On December 8, 2021, the executive director of the Public Utility Commission of Texas (Commission) filed formal Notices of Violation (NOVs) regarding Lamesa Solar II, LLC (Lamesa) and Midway Solar, LLC (Midway) in the above-styled proceedings. On December 22, 2021, Lamesa and Midway filed requests for hearing, in their respective dockets. On January 18, 2022, Lamesa, Midway, and Commission Staff (collectively, the Parties) filed joint requests in each respective docket to abate the proceedings pending settlement negotiations with Commission Staff. Settlement negotiations have been fruitful, and the Parties have reached agreements in principle to resolve these matters. To facilitate the efficient resolution of these matters involving common questions of law and fact, the Parties have agreed to consolidate these dockets.

**I. CONSOLIDATION**

Proceedings shall be consolidated if requested based on agreement of all parties, and if such consolidation would not unreasonably curtail the time available to process one or more of the proceedings proposed for consolidation.<sup>1</sup> Additionally, proceedings may be consolidated if the presiding officer finds that: the proceedings involve common questions of law or fact; consolidation would serve the interest of efficiency or prevent unwarranted expense and delay;

---

<sup>1</sup> 16 Tex. Admin. Code § 22.34(a).

and the applicant's ability to present its case and other parties' ability to respond to the applicant's case are not unduly prejudiced.<sup>2</sup>

Lamesa and Midway have common corporate parents and have overlapping management.<sup>3</sup> Additionally, the Lamesa and Midway proceedings both involve virtually identical underlying facts, which led to Staff's filing Notices of Violation involving the same alleged violations and fact patterns. Consequently, the Parties have agreed to seek consolidation of Docket Nos. 52927 and 52928 to allow for efficient resolution of both dockets within one settlement agreement and proceeding. Consolidation is proper under 16 Tex. Admin. Code § 22.34(a) because the Parties agree to consolidation and consolidation will not unreasonably curtail the time available to process either proceeding.

## **II. CONCLUSION**

The Parties respectfully request that Docket Nos. 52927 and 52928 be consolidated. Commission Staff is authorized to represent that Lamesa and Midway support and agree with this motion and entry of an order consistent with the same.

---

<sup>2</sup> *Id.*

<sup>3</sup> See *Application of Midway Solar LLC to Amend a Power Generation Company Registration*, Docket No. 48731, Notice of Approval (Oct. 26, 2018) and *Application of Lamesa Solar II, LLC to Amend a Power Generation Company Registration*, Docket No. 48761, Notice of Approval (Oct. 18, 2018). Both companies list D.E. Shaw & Co, L.P. as a corporate parent with 100 percent indirect ownership of the underlying power generation company. Both companies also list the same individual, located at the same address, who works for the same company, as the primary point of contact for all communications.

Dated: March 1, 2023

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS**

**DIVISION OF COMPLIANCE AND  
ENFORCEMENT**

Barksdale English  
Division Director

/s/Van Moreland  
Van Moreland  
State Bar No. 24088087  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7163  
(512) 936-7268 (facsimile)  
van.moreland@puc.texas.gov

**DOCKET NOS. 52927 & 52928**

**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on March 1, 2023, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Van Moreland  
Van Moreland