



Filing Receipt

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DOCKET NO. 52928

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

COMMISSION STAFF'S REVISED NOTICE

On December 8, 2021, Staff of the Public Utility Commission of Texas (Commission) filed a Petition to Determine Violation and Impose an Administrative Penalty (Petition) against Midway Solar, LLC (Midway). Within its Petition Commission Staff provided notice of the Notice of Violation (NOV) filed in connection with the Petition. Commission Staff now files this revised notice.

I. REVISIONS TO THE NOTICE

The notice of NOV originally provided by Commission Staff contained inaccurate information regarding Midway's authorized representative associated with Midway's PGC registration. Commission Staff revises its notice in this matter as follows:

Notice in this proceeding is governed by 16 TAC § 22.246(f)(2). Under 16 TAC § 22.246(f)(2)(A), within 14 days of the date the NOV is issued, the Executive Director must provide written notice of the NOV, either by regular or certified mail, to the person who is alleged to have committed the violation that is the subject of the NOV. Under 16 TAC § 22.246(f)(2)(C), the notice provided by the Executive Director must include the following information: a brief summary of the alleged violation; a statement of the amount of recommended penalty; a statement that the person who is alleged to have committed the violation has a right to a hearing on the occurrence of the violation, the amount of the administrative penalty, or both the occurrence of the violation and the amount of administrative penalty; a copy of the NOV issued; and a copy of 16 TAC § 22.246.

At the direction of the Executive Director and in compliance with 16 TAC § 22.246(f)(2), Commission Staff provided written notice of the NOV by certified mail, return receipt requested,

to the authorized representative associated with Midway's PGC registration in the Commission's records:

Midway Solar, LLC
Jonathan Kett
Asset Manager
1166 Avenue of the Americas, Ninth Floor
c/o D.E. Shaw Renewable Investments, L.L.C.
New York, NY 10036

Commission Staff also provided an electronic copy of the NOV to Mr. Kett by e-mail at jonathan.kett@deshaw.com and to Mr. Bob Pence, the authorized representative for Midway's generation resources listed in ERCOT's records, at bob.pence@deshaw.com.

Dated: December 14, 2021

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS

**DIVISION OF COMPLIANCE AND
ENFORCEMENT**

Barksdale English
Division Director

/s/Van Moreland
Van Moreland
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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 December 14, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Van Moreland
Van Moreland