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

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**BEFORE THE

PUBLIC UTILITY COMMISSION

OF TEXAS**

MIDWAY SOLAR, LLC'S REQUEST FOR HEARING

Midway Solar, LLC (Midway Solar) hereby submits its request for hearing pursuant to PURA § 15.024(d) and 16 TAC §22.246(g)(3)(B).¹ This request is timely filed.²

I. BACKGROUND

The Notice of Violation (NOV) filed by the Executive Director of the Public Utility Commission of Texas (Commission) alleges that Midway Solar has violated 16 Texas Administrative Code (TAC) §25.55(c)(2). The Executive Director has recommended that an administrative penalty be assessed against Midway Solar in the amount of \$550,000 for the alleged violations, which are for nothing other than an alleged failure to file a report on time. The Executive Director does *not* allege that Midway Solar failed to implement actual weatherization measures—rather, the Executive Director alleges *only* paperwork-filing violations.

Midway Solar admits that its winter weather readiness report was filed on December 8, 2021, which is after December 1, 2021.

II. REQUEST FOR HEARING

Midway Solar requests that a hearing be held on the amount of any appropriate administrative penalty, including most importantly an examination of the governing statutes and

¹ Public Utility Regulatory Act, Tex. Util. Code Ann. §§11.001-58.303 (PURA).

² The Executive Director of the Public Utility Commission of Texas publicly filed a Notice of Violation (NOV) in this docket on December 8, 2021. Commission Staff also sent a copy of the NOV via electronic mail to a representative of Midway Solar. Pursuant to PURA §15.024(d) and 16 TAC §22.246(g)(3), a request for hearing must be received by the Commission no later than 20 days after the company receives regular mail or certified mail service of the notice of violation. While the 20 day period does not begin until the NOV recipient has received service via regular or certified mail from the PUC Staff, Midway Solar's filing is early, and therefore timely.

rules concerning limits on the amount of any penalty that the Commission has authority to assess for the delayed filing of a report due on December 1, 2021.

Respectfully submitted,

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By: /s/ William A. Moore

Attorneys for Midway Solar, LLC

CERTIFICATE OF SERVICE

I certify that on December 22, 2021, a true copy of Midway Solar, LLC's Request for Hearing was served by email, as directed in the July 16, 2020 Second Order Suspending Rules in Project No. 50664, on the following:

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