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**SOAH DOCKET NO. 473-22-1661
PUC DOCKET NO. 52929**

NOTICE OF VIOLATION BY OCI	§	
ALAMO 1 LLC FOR VIOLATIONS OF	§	BEFORE THE
16 TAC § 25.55 CONCERNING	§	
WINTER WEATHER	§	PUBLIC UTILITY COMMISSION
PREPAREDNESS REPORTING	§	
REQUIREMENTS	§	OF TEXAS

**OCI ALAMO 1 LLC'S FIRST REQUEST
FOR INFORMATION TO PUBLIC UTILITY COMMISSION STAFF**

OCI Alamo 1 LLC ("OCI") requests that you answer and provide information in response to the attached questions under oath. OCI further requests that you answer the questions in the order in which they are asked with as much detail so as to fully present all of the relevant facts.

Instructions

Please answer the attached questions on separate pages and copy the question immediately above the answer to each question. Following each answer, please identify the witness or witnesses who will sponsor each of your answers at the hearing in this PUC Docket No. 52929. These questions are continuing in nature and, should there be a change in circumstances that would modify or change any of your answers, then, in such case, please change or modify such answer and submit such changed answer as a supplement to the original answer within twenty (20) working days of your discovery that such change or modification is appropriate.

In answering these requests for information, you are requested to furnish such information as is available to you, including information which you are able to obtain by due diligence from your present or former attorneys, accountants, investigators, consultants, employees, agents, and persons acting on your behalf. To the extent any information responsive to a general question is also responsive to another more specific question, provide the information in response to the more specific request.

To the extent any question calls for you to provide documents, furnish such documents in native format, with all formulas intact.

If you are unable to answer any request fully and completely after exercising due diligence to make inquiry and to secure information, you are to answer such request as fully and completely

as you can and to specify the portions which you are unable to answer in such request. In addition to specifying those portions, you are to state with regard to each portion:

- (1) The fact on which you base the contention that you are unable to answer that portion;
- (2) The knowledge, information, and belief you have concerning that portion; and
- (3) The acts done and inquiries made by you in attempting to answer such request.

The singular includes the plural and the plural includes the singular.

Masculine, feminine, or neuter pronouns do not exclude the other genders.

The words “document” and “documents” have the broadest meaning that can be ascribed to them pursuant to the Texas Rules of Civil Procedure. Among other things, the words “document” and “documents” mean the final form and **all drafts and revisions of any kind** of written or graphic matter, original or reproduced copy, however produced or reproduced, of any kind and of every kind, and all copies there from that are different in any way from the original regardless of whether designated “confidential,” “privileged,” or otherwise restricted. Without limiting the generality of the foregoing, the words “document” and “documents” also include information stored or maintained on, or which could be reproduced from, any form of physical or electronic storage or storage device including, without limitation, film, microfilm, computer printout, disk or diskette, magnetic tape, cassette, phonographic disc, videotape, compact disk, DVD, flash drive or similar means.

The words “and” and “or” shall be construed conjunctively or disjunctively as necessary to bring within each request all documents which might otherwise be construed as outside its scope.

The words “communication” and “communications” include, without limitation of their generality, both written and oral: statements, representations, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions and symposia. These words include, without limitation of their generality, both communications and statements that are face-to-face and those that are transmitted by any writing or document or by media of any kind. These words also include any communications and statements that are transmitted electronically or wirelessly, through means such as, but not limited to, email or text messages.

The words “identify” and “identification,” when used with respect to a natural person or persons, mean to state the name, address(es) and telephone number(s) of each such person. If any

of the foregoing information is not available, state any other available means of identifying such person.

The words “identify” and “identification,” when used in reference to a person other than a natural person, mean to set forth its:

- (1) full name or title;
- (2) nature or organization, including the state under which the same was organized or incorporated;
- (3) address and telephone number (with area code prefix); and
- (4) principal line of business.

If any of the foregoing information is not available, state any other available means of identifying such person.

The words “identify” and “describe,” when used in reference to a fact, mean to state not only the fact itself, but also:

- (1) its date, time, and place;
- (2) the name, address, and telephone number of each person with knowledge of the fact;
- (3) whether the act is supported by an oral communication, a document, or other event; and
- (4) any other evidence that supports such fact.

The words “identify” and “identification,” when used in reference to a document, mean to state:

- (1) its date;
- (2) its author;
- (3) its addressee;
- (4) the type of document (e.g., letter, memorandum, receipt, invoice, schedule, report, telegram, chart, photograph, etc.); and
- (5) its present location and identity of its custodian. If any document was, but is no longer, in your possession, custody, or control, or is no longer in existence, explain why.

If any of the foregoing information is not available, state any other available means of identifying such document. If a document is one of a series of pages contained in a book, pamphlet, binder, folder, microfilm (or other storage device), include in your identification of such document(s) any

available numerical reference (or other aid) to the pages and line or other portion thereof at which the information referred to can be found. A true and correct copy of any document may be produced and filed with your Answers hereto in lieu of the above information.

The words “identify” and “describe,” when used with respect to an oral communication, mean:

- (1) to state the substance of each such oral communication;
- (2) to state the exact words used by each person participating in the oral communication;
- (3) to identify each speaker;
- (4) to identify each person present at the making or reception of such oral communication;
- (5) to specify the date, time, and place of each oral communication;
- (6) to identify each person repeating such oral communication;
- (7) to identify every document which records, memorializes, or relates to all or part of such communication; and
- (8) to identify the mode of such communication (e.g., telephone, face-to-face, etc.).

The words “person” and “persons” as used herein, mean all individuals and entities, and shall be deemed to include natural persons, firms, partnerships, associations, organizations, joint ventures, corporations, and any other entities.

The words “relate,” “related,” “relates,” and “relating,” as used herein, mean involving, relating to, referring to, having any relationship to, pertaining to, evidencing or constituting evidence of, in whole or in part.

All computer readable data should be provided on CD ROMs, DVDs or flash drives for use on PC-compatible machines. OCI will provide a sufficient amount of CDs, DVDs, or flash drives if requested by you before time for your response.

If you have any question concerning the attached Questions or any of these instructions, please contact Carolyn Shellman at (512) 615-1203.

Unless the specific question permits a longer time period, answers to this Request for Information should be served on OCI and filed with the Public Utility Commission of Texas within twenty (20) working days from your receipt of said request. Service on OCI should be made as follows:

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Respectfully submitted,

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By: Carolyn E. Shellman
Attorneys for OCI Alamo 1 LLC

CERTIFICATE OF SERVICE

I certify that on April 13, 2022, a true copy of OCI Alamo 1's First Request for Information was served by email, as directed in the July 16, 2020 Second Order Suspending Rules in Project No. 50664, on the following:

Van Moreland
Public Utility Commission of Texas
Division of Compliance and Enforcement
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
van.moreland@puc.texas.gov



Lynn Needles

ADDITIONAL DEFINITIONS

1. The words “you,” “your,” “Staff,” “PUC Staff,” and “PUCT Staff” means the Staff of the Public Utility Commission of Texas, its attorneys, employees, consultants, contractors, or representatives.
2. “Concerning” means constituting, arising out of, incident to, referring to, mentioning, bearing upon, reflecting, evidencing, affecting, concerning or relating in any manner to the transaction, communication, document, individual, entry, act, object, conference, activity or thing identified.
3. “NOV” or “Notice of Violation” means the Notice of Violation filed in Docket No. 52929.
4. “ERCOT” means the Electric Reliability Council of Texas, its attorneys, employees, consultants, contractors, or representatives.
7. “ERCOT Protocols” or “Protocols” means the ERCOT Protocols as such exist or existed at the time period in question.

OCI ALAMO 1 LLC'S FIRST REQUEST
FOR INFORMATION TO PUBLIC UTILITY COMMISSION STAFF

- OCI 1-1** Please provide all communications between ERCOT and PUC Staff related to the allegations described in Staff's Notice of Violation filed in this proceeding (the NOV) regarding OCI Alamo 1, LLC (OCI).
- OCI 1-2** Please provide all communications between ERCOT employees related to the allegations described in the NOV.
- OCI 1-3** Please provide all communications between PUC Staff and any PUC Commissioner related to: (a) the allegations described in the NOV; (b) any entity's alleged failure to timely file a Winter Weather Readiness Report (WWRR); or (c) proposed enforcement actions or administrative penalties for any alleged violation of 16 TAC § 25.55.
- OCI 1-4** Please provide ERCOT's schedule, as it existed on December 1, 2021, for conducting inspections of generating facilities to evaluate their preparations for winter weather.
- OCI 1-5** Please provide ERCOT's schedule, as it existed on December 8, 2021, for conducting inspections of generating facilities to evaluate their preparations for winter weather.
- OCI 1-6** Please provide ERCOT's schedule, as it existed on December 15, 2021, for conducting inspections of generating facilities to evaluate their preparations for winter weather.
- OCI 1-7** Please provide ERCOT's schedule, as it existed on December 22, 2021, for conducting inspections of generating facilities to evaluate their preparations for winter weather.
- OCI 1-8** Please provide ERCOT's schedule, as it existed on December 29, 2021, for conducting inspections of generating facilities to evaluate their preparations for winter weather.
- OCI 1-9** Please provide all documents that describe prioritization of inspections by ERCOT to assess generation facilities' preparations for winter weather.
- OCI 1-10** Please provide all communications between ERCOT and its winter weather preparation inspection contractor(s)—including without limitation Filsinger Energy Partners—and all documents created by or for ERCOT or its winter weather preparation inspection contractor(s), pertaining to: (a) prioritization of inspections of generation facilities to evaluate preparations for winter weather, including without limitation communications and documents prepared pursuant to the direction in PURA § 35.0021(c-1) that ERCOT “shall prioritize inspections . . . based on risk level”; (b) identification of solar facilities to which site visits would or did occur relating to assessment of preparations for winter weather; (c) identification of energy storage facilities to which site visits would or did occur relating to assessment of preparations for winter weather; (d) evaluations of potential impacts to ERCOT grid reliability posed by any hypothetical or actual failure to prepare solar facilities for winter weather; (e) evaluations of potential impacts to ERCOT grid reliability posed by any hypothetical or actual failure to prepare energy storage facilities for winter weather; (f) inspections of OCI facilities; (g) receipt or evaluation of any WWRR filed by OCI; and (h) impacts to onsite inspection schedules caused by any alleged untimely filing of a WWRR by OCI.

- OCI 1-11** Please provide a list identifying every generation facility, by name, location, fuel type (e.g., coal, natural gas, nuclear, solar, wind, etc.), total MW installed capacity, and date of on-site inspection, at which ERCOT or its contractor(s) conducted an on-site inspection in December 2021 or January 2022 to assess preparations for winter weather.
- OCI 1-12** Please provide a list specifically identifying each solar generation facility, by name, owner, location, total MW installed capacity, and date of on-site inspection, at which ERCOT or its contractor(s) conducted an on-site inspection in December 2021 or January 2022 to assess preparations for winter weather.
- OCI 1-13** Please provide a list specifically identifying each energy storage facility, by name, owner, location, total MW installed capacity, and date of on-site inspection, at which ERCOT or its contractor(s) conducted an on-site inspection in December 2021 or January 2022 to assess preparations for winter weather.
- OCI 1-14** For each facility identified in RFIs 1-12 and 1-13, please provide all documents and communications related to scheduling each on-site inspection identified in the responses to those RFIs.
- OCI 1-15** For each facility identified in RFIs 1-12 and 1-13, please provide all documents and communications containing or related to ERCOT's and its contractor(s) assessments of any threat to, or actual detrimental impact on, ERCOT grid reliability caused by: (a) any scheduling or re-scheduling of any on-site inspection of the facility; or (b) any insufficient preparation for winter weather at the facility.
- OCI 1-16** Please provide a detailed description and quantification of every harm to ERCOT grid reliability actually and directly caused by the alleged untimely filing of a WWRR by OCI, along with all documents, calculations, and methodologies that PUC Staff intends to rely upon to demonstrate any such alleged harm to ERCOT grid reliability.
- OCI 1-17** Please specifically identify and quantify every harm that PUC Staff intends to allege in this proceeding was actually and directly caused by the alleged untimely filing of a WWRR by OCI in each of the following categories, along with all documents, calculations, and methodologies that PUC Staff intends to rely upon to demonstrate any alleged harm: (a) public health; (b) public safety; (c) public economic welfare; (d) economic harm to property; and (e) economic harm to the environment.
- OCI 1-18** Please provide all documents and communications that support PUC Staff's allegation that any untimely filing of a WWRR is non-remediable.
- OCI 1-19** Please provide all documents and communications related to any circumstance in which PUC Staff requested an extension of time to file a document required to be filed by a certain date in any PUC proceeding or any litigated proceeding before any tribunal.
- OCI 1-20** Please provide all documents and communications related to any circumstance in which ERCOT did not timely file at the PUC any required report, response, notification, or any other document.
- OCI 1-21** Please provide all documents and communications related to any circumstance in which PUC Staff did not timely file at the PUC or with any tribunal any required report, pleading, response, notification, or any other document.

- OCI 1-22** Please provide PUC docket numbers for all proceedings in which PUC Staff has asserted that an untimely filing is a non-remediable offense.
- OCI 1-23** Please provide all PUC decisions and Texas cases known to PUC Staff in which the Commission or a court has determined that an untimely filing is a non-remediable offense.
- OCI 1-24** Please provide all communications between ERCOT and PUC Staff in which ERCOT requested an extension of time or a revised deadline on which to file or provide any document, report, notification, or other document.
- OCI 1-25** Please provide all communications, orders, notices of violation, or other documents in which PUC Staff has asserted that an untimely filing is punishable as a non-remediable, strict liability offense.
- OCI 1-26** Please provide the full text of 16 TAC § 25.8 as it existed on December 1, 2021.