



Filing Receipt

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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 16 TAC § 25.55, CONCERNING
WINTER WEATHER READINESS
REPORTING REQUIREMENTS**

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**BEFORE THE

STATE OFFICE OF
ADMINISTRATIVE HEARINGS**

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

The Staff (Staff) of the Public Utility Commission of Texas (Commission) files the following objections to OCI Alamo 1 LLC's First Request for Information to Commission Staff. Undersigned counsel represents that the parties' negotiations related to OCI's First Request for Information and Commission Staff's Responses to the same were conducted diligently and in good faith.

Dated: May 19, 2022

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS

**DIVISION OF COMPLIANCE AND
ENFORCEMENT**

Barksdale English
Division Director

/s/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 May 19, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Van Moreland
Van Moreland

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**OBJECTIONS OF COMMISSION STAFF TO OCI ALAMO 1, LLC'S FIRST REQUEST
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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.

OBJECTION:

Commission Staff objects to RFI No. OCI 1-11 under TEX. R. CIV. P. 192.3(a) to the extent that it requests Commission Staff to provide information outside of the scope of discovery. Information regarding the location, fuel type, and total MW installed capacity of every generation facility at which ERCOT or its contractor(s) conducted an on-site inspection in December 2021 or January 2022 to assess preparations for winter weather is not relevant to any issue in this matter and will not lead to the discovery of admissible evidence. Additionally, this request would require Commission Staff to create a data compilation containing information that would constitute highly sensitive Critical Energy Infrastructure Information that would pose a security risk to the state's grid infrastructure.

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**OBJECTIONS OF COMMISSION STAFF TO OCI ALAMO 1, LLC'S FIRST REQUEST
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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.

OBJECTION:

Commission Staff objects to RFI No. OCI 1-12 under TEX. R. CIV. P. 192.3(a) to the extent that it requests Commission Staff to provide information outside of the scope of discovery. Information regarding the location, fuel type, and total MW installed capacity of every generation facility at which ERCOT or its contractor(s) conducted an on-site inspection in December 2021 or January 2022 to assess preparations for winter weather is not relevant to any issue in this matter and will not lead to the discovery of admissible evidence. Additionally, this request would require Commission Staff to create a data compilation containing information that would constitute highly sensitive Critical Energy Infrastructure Information that would pose a security risk to the state's grid infrastructure.

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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.

OBJECTION:

Commission Staff objects to RFI No. OCI 1-13 under TEX. R. CIV. P. 192.3(a) to the extent that it requests Commission Staff to provide information outside of the scope of discovery. Information regarding the location, fuel type, and total MW installed capacity of every generation facility at which ERCOT or its contractor(s) conducted an on-site inspection in December 2021 or January 2022 to assess preparations for winter weather is not relevant to any issue in this matter and will not lead to the discovery of admissible evidence. Additionally, this request would require Commission Staff to create a data compilation containing information that would constitute highly sensitive Critical Energy Infrastructure Information that would pose a security risk to the state's grid infrastructure.

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OCI 1-14 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.

OBJECTION:

Commission Staff objects to RFI No. OCI 1-14 under TEX. R. CIV. P. 192.3(a) to the extent that it requests Commission Staff to provide information outside of the scope of discovery. Information regarding the location, fuel type, and total MW installed capacity of every generation facility at which ERCOT or its contractor(s) conducted an on-site inspection in December 2021 or January 2022 to assess preparations for winter weather is not relevant to any issue in this matter and will not lead to the discovery of admissible evidence. Additionally, this request would require Commission Staff to create a data compilation containing information that would constitute highly sensitive Critical Energy Infrastructure Information that would pose a security risk to the state's grid infrastructure.

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**OBJECTIONS OF COMMISSION STAFF TO OCI ALAMO 1, LLC'S FIRST REQUEST
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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.

OBJECTION:

Commission Staff objects to RFI No. OCI 1-16 to the extent that it requests information that would constitute attorney work-product and is, therefore, privileged and confidential information not required to be produced under the Texas Rules of Civil Procedure, the Administrative Procedure Act, or the SOAH rules. Commission Staff further objects to the filing of an index of privileged or exempt documents as there are no documents to index.

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**OBJECTIONS OF COMMISSION STAFF TO OCI ALAMO 1, LLC'S FIRST REQUEST
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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.

OBJECTION:

Commission Staff objects to RFI No. OCI 1-17 to the extent that it requests information that would constitute attorney work-product and is, therefore, privileged and confidential information not required to be produced under the Texas Rules of Civil Procedure, the Administrative Procedure Act, or the SOAH rules. Commission Staff further objects to the filing of an index of privileged or exempt documents as there are no documents to index.

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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.

OBJECTION:

Commission Staff objects that RFI No. OCI 1-19 requests Commission Staff to provide information that is irrelevant to any issue in this matter and is outside of the scope of discovery under TEX. R. CIV. P. 192.3(a) and will not lead to the discovery of admissible evidence. Whether staff has requested an extension of time to file a document is immaterial to any factual or legal issue in this matter involving the alleged administrative violation of 16 TAC § 25.55 related to winter weather readiness requirements. Additionally, Commission Staff objects that the request is overbroad, unduly burdensome, and not narrowly tailored in time and scope as it would require Commission Staff to search through an enormous volume of records dating back multiple decades. Commission Staff further objects that this request seeks information that is publicly available via the Commission's filing interchange and is as accessible to OCI as it is to Commission Staff.

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**OBJECTIONS OF COMMISSION STAFF TO OCI ALAMO 1, LLC'S FIRST REQUEST
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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.

OBJECTION:

Commission Staff objects that RFI No. OCI 1-20 requests Commission Staff to provide information that is irrelevant to any issue in this matter and is outside of the scope of discovery under TEX. R. CIV. P. 192.3(a) and will not lead to the discovery of admissible evidence. Whether ERCOT previously did not timely file a required report, response, notification, or any other document at the Commission is immaterial to any factual or legal issue in this matter involving the alleged administrative violation of 16 TAC § 25.55 related to winter weather readiness requirements. Additionally, Commission Staff objects that the request is overbroad, unduly burdensome, and not narrowly tailored in time and scope as it would require Commission Staff to search through an enormous volume of records dating back multiple decades. Commission Staff further objects that this request seeks information that is publicly available via the Commission's filing interchange and is as accessible to OCI as it is to Commission Staff.

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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.

OBJECTION:

Commission Staff objects that RFI No. OCI 1-21 requests Commission Staff to provide information that is irrelevant to any issue in this matter and is outside of the scope of discovery under TEX. R. CIV. P. 192.3(a) and will not lead to the discovery of admissible evidence. Whether PUC Staff previously did not timely file a required report, response, notification, or any other document is immaterial to any factual or legal issue in this matter involving the alleged administrative violation of 16 TAC § 25.55 related to winter weather readiness requirements. Additionally, Commission Staff objects that the request is overbroad, unduly burdensome, and not narrowly tailored in time and scope as it would require Commission Staff to search through an enormous volume of records dating back multiple decades. Commission Staff further objects that this request seeks information that is publicly available via the Commission's filing interchange and is as accessible to OCI as it is to Commission Staff.

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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.

OBJECTION:

Commission Staff objects that RFI No. OCI 1-24 requests Commission Staff to provide information that is irrelevant to any issue in this matter and is outside of the scope of discovery under TEX. R. CIV. P. 192.3(a) and will not lead to the discovery of admissible evidence. Whether ERCOT previously requested an extension of time or a revised deadline on which to file or provide any document, report, notification, or other document is immaterial to any factual or legal issue in this matter involving the alleged administrative violation of 16 TAC § 25.55 related to winter weather readiness requirements. Additionally, Commission Staff objects that the request is overbroad, unduly burdensome, and not narrowly tailored in time and scope as it would require Commission Staff to search through an enormous volume of records dating back multiple decades. Commission Staff further objects to the extent that this request seeks information that is publicly available via the Commission's filing interchange and is as accessible to OCI as it is to Commission Staff.