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

**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

PUBLIC UTILITY COMMISSION

OF TEXAS**

OCI ALAMO 1 LLC’S EXCEPTION TO THE PROPOSED ORDER

OCI Alamo 1 LLC (OCI) submits this Exception to the Proposed Order issued on September 30, 2022, by the Office of Policy and Docket Management (OPDM). In accordance with the instructions in the memorandum accompanying the Proposed Order, these exceptions are being timely filed by the October 10, 2022 deadline established by OPDM.

MODIFICATION TO ORDERING PARAGRAPH NO. 6

In the months preceding the filing of the Proposed Order on September 30, OCI and Commission Staff (the Division of Compliance and Enforcement) negotiated at length to reach a Settlement Agreement that both parties were able to and now support. The Settlement Agreement was filed by Commission Staff, on behalf of both parties, on September 2, 2022, and it has been included in the evidentiary record for this case by order of the Administrative Law Judge in SOAH Order No. 4, filed on September 6, 2022.

In the course of the negotiation of the Settlement Agreement, one issue focused on by both OCI and Commission Staff was how to accurately describe the matters that were being resolved. The parties exchanged several drafts and had multiple conversations about the most appropriate language to use and ultimately agreed on language reflected in paragraph 35 of the Settlement Agreement and in Ordering Paragraph 6 in the parties’ Proposed Order, both of which were filed on September 2, 2022. That language differs in a few respects from the language contained in Ordering Paragraph 6 in the Proposed Order filed by OPDM on September 30, 2022. The differences may not seem substantial to a casual reader, but they differ from wording carefully chosen and agreed on by OCI and Commission Staff, wording that ultimately reflected the understandings and compromises that led to the settlement that will soon be considered by the Commission.

OCI and Commission Staff support the Settlement Agreement, and OCI appreciates the effort undertaken by Commission Staff to move this docket forward, consistent with the parties' agreement. Although OCI recognizes that the Commission is not required to adopt the parties' settlement terms, OCI and Commission Staff both support them as a fair and reasonable resolution.

Paragraph 35 of the Settlement Agreement contains language reflecting what the parties have agreed on as an accurate description of what their Settlement Agreement resolves. For that reason, using language from paragraph 35 of the Settlement Agreement instead of the language contained in Ordering Paragraph 6 of OPDM's Proposed Order is important to both OCI and to Commission Staff. OCI has consulted with Commission Staff and is authorized to represent that Staff joins with OCI in requesting that Paragraph 6 of the Proposed Order be modified to be consistent with the parties' Settlement Agreement as filed in this docket on September 2, 2022.

Specifically, OCI and Commission Staff respectfully request that Paragraph 6 be modified to read as follows:

6. This Order fully resolves all claims and potential enforcement actions related to OCI Alamo I's December 2021 winter weather readiness report filings or the facts and events described in the settlement agreement and this Order.

CONCLUSION

OCI respectfully requests that Ordering Paragraph 6 of the Proposed Order be modified as requested herein to be consistent with the language negotiated and agreed upon by OCI and Commission Staff.

Dated October 7, 2022.

Respectfully submitted,

ENOCH KEVER PLLC

Carolyn Shellman

State Bar No. 18196200

William A. Moore

State Bar No. 00794330

Mandy Kimbrough

State Bar No. 24050613

7600 N. Capital of Texas Hwy

Building B, Suite 200

Austin, Texas 78731

(512) 615-1200 (phone)

(512) 615-1198 (fax)

cshellman@enochkever.com

bmoore@enochkever.com

mkimbrough@enochkever.com

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

CERTIFICATE OF SERVICE

I certify that on October 7, 2022 , a true copy of OCI Alamo 1 LLC's Exception to the Proposed Order was served by email, as directed in the July 16, 2020, Second Order Suspending Rules in Project No. 50664, on the following:

Barksdale English
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
Barksdale.English@puc.texas.gov

Lynn Needles
Lynn Needles