



Filing Receipt

Received - 2021-12-22 04:59:24 PM
Control Number - 52929
ItemNumber - 4

DOCKET NO. 52929

**NOTICE OF VIOLATION BY OCI
ALAMO 1, LLC FOR VIOLATIONS OF
16 TAC § 25.55, CONCERNING
FAILURE TO COMPLY WITH
WINTER WEATHER EMERGENCY
PREPAREDNESS REPORTING
REQUIREMENTS**

§
§
§
§
§
§
§

**BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS**

OCI ALAMO, 1 LLC'S REQUEST FOR HEARING

OCI Alamo 1, LLC (Alamo 1) hereby submits its request for hearing pursuant to PURA § 5.024(d) and 16 TAC § 22.246(g)(3).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 Alamo 1 has violated 16 Texas Administrative Code (TAC) § 25.55(c)(2) by failing to comply with winter weather emergency preparedness reporting requirements. The Executive Director has recommended that an initial administrative penalty be assessed against Alamo 1 in the amount of \$1,100,000 for the alleged violations, which involve an alleged failure to file reports on time.

Before addressing the NOV, Alamo 1 would like to provide some background on the family of companies to which Alamo 1 belongs. This is important for several reasons, but primarily because there have not been many, if any, occasions for the Commission to have dealt directly with Alamo 1 or OCI Solar Power LLC, its parent, or to have had an opportunity to observe what kind of participants they are in the Texas electric market.

Alamo 1 was developed by OCI Solar Power (OCI Solar). OCI Solar was the first utility-scale solar developer in Texas and has been an active participant in the Texas solar community,

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 filed a Notice of Violation (NOV) in this docket on December 8, 2021. A copy of the NOV was delivered via electronic mail to a representative of OCI Solar Power on the same day. 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 NOV. While the 20-day period does not begin until the NOV recipient has received service via regular or certified mail from the PUC Staff, Alamo 1's filing is early, and therefore timely.

including the greater San Antonio business community, since 2011, when it selected the City of San Antonio as the location for its U.S. headquarters. Two of its first projects in Texas, Alamo 1 and Astro, were developed for CPS Energy, the municipally-owned electric and gas utility in San Antonio, as part of a 600 MW solar initiative CPS Energy undertook that was, at the time, one of the largest municipally-owned solar projects in the United States. Alamo 1 is a photo-voltaic module solar facility of approximately 39.2 MW/ac in southeast Bexar County, Texas. Astro is a small, approximately 1 MW/250KWh, energy storage system built as a pilot project within the Alamo 1 project boundary.

Alamo 1 offers this historical perspective to provide assurance to the Commission and the public of its recognition of the importance of winter weather emergency preparedness and its commitment, as demonstrated by its own presence and operations in Texas over the past 10 years and most recently during winter storm Uri, to ensure that Texas citizens have reliable electric power and the benefits of renewable energy that solar generation offers. Alamo 1 takes allegations of non-compliance with Commission regulations seriously and intends to work diligently with the Commission to address the Commission's concerns.

II. REQUEST FOR HEARING

In order to preserve its ability to ensure that the substantial financial investment OCI Solar has made in the State of Texas and in these particular generation resources is protected, Alamo 1 requests that a hearing be held on the alleged occurrence of the violation and the amount of the proposed administrative penalty described in the Notice of Violation, including an examination of the governing statutes and rules applicable to the Commission's authority to assess an administrative penalty for the alleged violation concerning the filing of reports due on December 1, 2021.

Dated December 22, 2021.

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 December 22, 2021, a true copy of OCI Alamo 1, 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:

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

/s/ Lynn Needles

Lynn Needles