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**NOTICE OF VIOLATION BY OCI
ALAMO 1 LLC FOR VIOLATIONS OF
16 TAC § 25.55 CONCERNING
WINTER WEATHER PREPAREDNESS
REPORTING REQUIREMENTS**

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**BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS**

REQUEST FOR ABATEMENT

OCI Alamo 1 LLC (OCI) hereby submits this Request for Abatement to facilitate settlement discussions.

I. BACKGROUND

This proceeding involves a Notice of Violation (NOV) filed by the Commission’s Executive Director.

OCI has been in contact with Commission Staff regarding matters raised in the NOV, and intends to discuss with Commission Staff the possibility of settlement. OCI filed a Request for Hearing in this docket in order to preserve its ability to explain its position and demonstrate why the Commission should not adopt the Executive Director’s proposal to impose substantial administrative penalties for the alleged failure to file a report with the Commission on the day it was due.

There are relevant facts and law that OCI intends to discuss with Commission Staff and that OCI believes are directly relevant to settlement considerations. Hence, OCI seeks to have this proceeding temporarily abated so that OCI can discuss those relevant considerations with Commission Staff.

OCI conferred with Commission Staff regarding this motion for abatement. Commission Staff indicated that it cannot support this Request for Abatement and may, indeed, oppose it, for the sole reason that OCI has not filed a pleading admitting a violation. But the Commission’s rules clearly allow a recipient of a NOV to contest both the allegation of the violation as well as the proposed penalty amount. 16 TAC § 22.246(g)(3)(A), (B). Availing itself of that legal right is not a valid basis for Commission Staff to oppose abatement for purposes of discussing settlement.

OCI reasonably believes, as is the case in the settlement of nearly any disputed matter, that the facts concerning the alleged violation and the proposed penalty amount should be considered and discussed together. Both Commission Staff and OCI will benefit from hearing the other's perspectives on the relevant facts, law, and proposed penalty amount in the context of potential settlement. Accordingly, OCI believes it is reasonable, and will promote efficient and economic use of Staff time and public resources, to not immediately initiate the hearing process and the referral of this case to the State Office of Administrative Hearings until the possibility of settlement is explored.

For these reasons, OCI asks that abatement of the proceeding be considered, even over Commission Staff's potential opposition.

II. REQUEST FOR ABATEMENT

OCI requests that the proceeding be abated and that OCI's obligation to respond to the January 13, 2022, Order Requesting Lists of Issues issued in this proceeding be abated until a reasonable time after the presiding officer or the Commission rescinds the abatement.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on January 18, 2022, a true copy of OCI Alamo 1's Request for Abatement 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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Lynn Needles