



## Filing Receipt

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<b>NOTICE OF VIOLATION BY OCI</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>ALAMO 1, LLC FOR VIOLATIONS OF</b>	<b>§</b>	
<b>16 TAC § 25.55, CONCERNING</b>	<b>§</b>	<b>OF TEXAS</b>
<b>WINTER WEATHER READINESS</b>	<b>§</b>	
<b>REPORTING REQUIREMENTS</b>	<b>§</b>	

**COMMISSION STAFF’S RESPONSE TO OCI ALAMO 1 LLC’S  
REQUEST FOR ABATEMENT**

On December 8, 2021, the Executive Director of the Public Utility Commission of Texas (Commission) filed a formal Notice of Violation (NOV) against OCI Alamo 1, LLC (Alamo) for violations of 16 Texas Administrative Code (TAC) § 25.55(c)(2), concerning Alamo’s failure to comply with winter weather emergency preparedness reporting requirements. On the same date, Commission Staff filed a Petition to Determine Violation and Impose an Administrative Penalty. On December 22, 2021, Alamo, in response to the NOV, filed a Request for Hearing as to the occurrence of the alleged violation and the amount of the proposed administrative penalty associated with the alleged violation and described in the NOV.

On January 18, 2022, Alamo filed a Request for Abatement of this proceeding. Under 16 TAC § 22.78(a), a responsive pleading shall be made within five working days after receipt of the pleading to which the response is made. Five working days after January 18, 2022 is January 24, 2022. Therefore, this pleading is timely filed.

**I. RESPONSE TO REQUEST FOR ABATEMENT**

Through its Request for Abatement, Alamo insinuates that even Commission Staff’s potential opposition to abatement would be tantamount to a denial of a right provided by statute or Commission rule. PURA<sup>1</sup> § 15.024(d) affords a party receiving a NOV the right to hearing on the occurrence of the alleged violation, the amount of the administrative penalty, or both. Neither Commission Staff’s support nor opposition to Alamo’s Request for Abatement would abrogate Alamo’s right to hearing on the issues requested.

Under 16 TAC § 22.246(h), any party may request a settlement conference to discuss the occurrence of the violation or continuing violation, the amount of the administrative penalty, and

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<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-58.303 (PURA).

the possibility of reaching a settlement prior to hearing. Commission Staff has conferred with Alamo's counsel on multiple occasions regarding one or more of these topics and remains open and unopposed to discussing settlement to the extent reasonable or possible. However, it is the position of Commission Staff that the public interest is best served if cases involving failure to comply with winter weather preparedness reporting requirements proceed in a timely, if not expeditious, manner due to their relevance to the winter season and the great public interest in ensuring compliance with related statutes and rules. Further, it is Commission Staff's position that the public interest is best served if settlement is sought based on an agreement between the parties on the fundamental underlying facts forming the basis of the NOV. If the parties cannot do so – as seems to be the circumstance in the present matter – the result will be unnecessary delay in the resolution of this matter through formal proceedings.

## **II. REQUESTED RELIEF**

To ensure expeditious resolution of this matter through formal proceedings, Commission Staff respectfully requests that Alamo's Request for Abatement be denied as it will result in unnecessary delay of the same. Commission Staff reiterates that it is committed to engaging in dialogue regarding settlement or resolution of issues regardless of whether the matter is abated.

Dated: January 24, 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 January 24, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Van Moreland \_\_\_\_\_  
Van Moreland