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DOCKET NO. 53377

COMPLAINT OF ENGIE ENERGY	§	PUBLIC UTILITY COMMISSION
MARKETING NA, INC. AND VIRIDITY	§	
ENERGY SOLUTIONS, INC. AGAINST	§	OF TEXAS
THE ELECTRIC RELIABILITY	§	
COUNCIL OF TEXAS, INC.	§	

COMMISSION STAFF’S MOTION FOR EXPEDITED STAY OF ORDER NO. 17

The Staff of the Public Utility Commission of Texas requests an immediate stay of the deposition requested for October 14, 2022¹ so that the Commission may consider an appeal of interim Order No. 17, which Commission Staff expects to file by 3:00 PM tomorrow, October 13, 2022.

Order No. 17 was issued this afternoon—October 12, 2022—for a deposition scheduled for less than two days later, October 14, 2022, beginning at 10 a.m. Without an expedited stay of Order No. 17, Commission Staff’s appeal of the order will not be considered until after the deposition is scheduled to occur. Therefore, pursuant to 16 TAC § 22.123(a)(5), Commission Staff respectfully requests that the presiding officer stay Order No. 17 during the pendency of Staff’s appeal of that order. Further, pursuant to 16 TAC § 22.142(a)(3)(A), Commission Staff requests that the deposition be stayed pending resolution of Staff’s appeal of Order No. 17.

Order No. 17 provides Commission Staff with *less than two days* to designate and prepare a representative to respond to a broad array of topics identified in ENGIE’s Motion for Issuance of a Commission for Deposition.² As noted in Commission Staff’s Motion for Protective Order, Commission Staff has not provided testimony and has not identified any expert witnesses.³ Therefore, this is not a simple matter of presenting a person to be deposed regarding their own testimony. Furthermore, Commission Staff respectfully submits that Order No. 17 is a departure from established Commission precedent and should be fully considered by the Commission before

¹ Complainants’ Notice of Deposition of Staff Designated Witness (Oct. 12, 2022).

² Complainant’s Motion for Issuance of Commission for Deposition (Oct. 3, 2022).

³ Staff’s Motion for Protective Order at 2.

imposing this unprecedented burden.⁴ Therefore, a stay is appropriate to provide Commission Staff an opportunity to appeal the denial of its Motion for Protective Order to the Commission pursuant to 16 TAC § 22.123(a).

CONCLUSION

For the reasons stated above, there exists good cause to stay the deposition of a Commission Staff representative pending appeal of the denial of Commission Staff's Motion for Protective Order.

⁴ Staff's Motion for Protective Order at 2 (citing *Application of Worldcall Interconnect, Inc. for Designation as an Eligible Telecommunications Carrier and Eligible Telecommunications Provider*, Docket No 35728, Order No. 13 (Nov. 10, 2008)).

Dated: October 12, 2022

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
MARKET ANALYSIS DIVISION**

Harika Basaran
Division Director

/s/ R. Floyd Walker

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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 October 12, 2022 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ R. Floyd Walker
R. Floyd Walker