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SOAH DOCKET NO. 473-23-04518
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COMPLAINT OF ENGIE ENERGY	§	BEFORE THE STATE OFFICE
MARKETING NA, INC. AND VIRIDITY	§	
ENERGY SOLUTIONS, INC. AGAINST	§	OF
THE ELECTRIC RELIABILITY	§	
COUNCIL OF TEXAS, INC.	§	ADMINISTRATIVE HEARINGS

**SUPPLEMENT TO ELECTRIC RELIABILITY COUNCIL OF TEXAS, INC.'S
RESPONSE TO COMPLAINANTS'
MOTION FOR SUMMARY DECISION ON CERTAIN ISSUES**

Electric Reliability Council of Texas, Inc. ("ERCOT") files this Supplement to its Response to Complainants' Motion for Summary Decision on Certain Issues.

ERCOT filed its Response to Complainants' Motion for Summary Decision on Certain Issues (the "Response") on Friday, August 25, 2023. Attached as Exhibit C to the Response was the unsigned Declaration of Kenan Ögelman. ERCOT provided counsel for Complainants a signed copy of the Declaration shortly after the filing. ERCOT hereby supplements its Response with the attached signed copy of Exhibit C.

Respectfully submitted,

/s/ Elliot Clark

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ATTORNEYS FOR ELECTRIC RELIABILITY COUNCIL OF TEXAS, INC.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served on all parties of record to this proceeding on August 28, 2023 by email, in accordance with Second Order Suspending Rules issued on July 16, 2020 in Project No. 50664.

/s/ Elliot Clark
Elliot Clark

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DECLARATION OF KENAN ÖGELMAN

1. My name is Kenan Ögelman. I am of legal age and authorized to testify on the matters in this affidavit on behalf of Electric Reliability Council of Texas, Inc. (“ERCOT”). I have personal knowledge of the facts stated herein, and those facts are true and correct.

2. I am employed by ERCOT as Vice-President of Commercial Operations. In that capacity, I oversee the Market Operations, Settlement and Retail Operations and Market Design and Development functions of ERCOT. I have been employed by ERCOT since 2015. I was personally involved in ERCOT’s efforts during and after Winter Storm Uri to ensure the orderly functioning of the wholesale power market in the ERCOT region.

3. Prior to joining ERCOT, I served as the Director of Energy Market Policy for CPS Energy, where I was responsible for managing CPS Energy’s activities at ERCOT and the Public Utility Commission of Texas (“Commission”). From 2011 through 2013, I was Chairman of the ERCOT Technical Advisory Committee (“TAC”), which makes recommendations to the ERCOT Board of Directors on numerous issues, including Protocol revisions, reliability and operations, retail markets, and wholesale markets. Before beginning my employment at CPS Energy, I was a Senior Economist at the Office of Public Utility Counsel.

4. I have reviewed the Amended Complaint filed by Engie Energy Marketing NA, Inc. (“Engie”) and Viridity Energy Solutions, Inc. (“Viridity”) in Commission Docket No. 53377. I have personal knowledge of many of the events underlying the Amended Complaint because of

my duties before, during, and after Winter Storm Uri. Further, I was ERCOT's designated representative in the Alternate Dispute Resolution ("ADR") proceedings that were initiated by Engie and Viridity prior to the filing of this case. The claims in those ADR proceedings were based upon the same general claims and allegations at issue in this case. I have additionally relied on ERCOT's business records to acquire knowledge about acts and omissions by Engie and Viridity during Winter Storm Uri. The exhibits attached to this Affidavit are ERCOT business records that are maintained by ERCOT in the regular course of its business by persons with knowledge of the events or information contained in the records and it is the regular practice for ERCOT to keep such records.

5. Attached to this Affidavit as Exhibits 1 through 3, are ERCOT reports from the testing of several of Viridity's Load Resources to ensure they qualify to provide RRS. As part of the testing process, ERCOT Demand Integration does an initial qualification and then periodically tests the Load Resources to verify their capability to provide Ancillary Services and compliance with certain requirements, including use of the proper Resource status codes. In each instance, when the Viridity Load Resources were deployed and remained interrupted, they continued to telemeter a Resource Status Code of ONRL and continued to report that they carried an Ancillary Service Resource Responsibility. If the Viridity Load Resources had telemetered a Resource Status Code of OUTL during the testing, they would have failed the test and would have been required to retest.

6. I declare under penalty of perjury of the laws of the State of Texas that the foregoing is true and correct. Executed this 25th day of August, 2023.



Kenan Ögelman

5.2 Load Resource Qualification Test Report

RESULTS of LOAD RESOURCE ANCILLARY SERVICE TESTING

Test Date: **4/10/2019**

Asset Code: **BRKNR_LD3**

Customer Common Name for the LR: **Baber Ackers**

Resource Entity: **Basa Resources 2** QSE: **Viridity Energy**

TDSP: **Oncor** Transmission Substation name: **Breckenridge North**

Registered Capacity (MW): **7.50**

Type of Ancillary Service Test: **Unannounced RRS Interruption Test**

Pre-deployment Telemetry

	QSE Reported Value	ERCOT Reported Value
LR Net real power Flow(MW)		6.83
Resource Status Code		259 (ONRL)
RRS Responsibility(MW)		6.60
RRS Schedule (MW)		6.60
NSRS Responsibility (MW)		0.00
NSRS Schedule (MW)		0.00
MPC		6.80
LPC		0.00
Breaker Status		Closed
UFR Status		Closed (Armed)

Time for XML Deployment Instruction from ERCOT: **10:25:10**

Time for Verbal Dispatch Instruction from ERCOT: **10:27:20**

Time Load Resource Responded to the VDI: **10:32:50**

Dispatched Capacity (MW): **6.8** Load Response (MW): **6.83**

Load Response based on TDSP Telemetry Delta Change (MW): **6.80**

Post-deployment Telemetry

	QSE Reported Value	ERCOT Reported Value
LR Net real power Flow(MW)		0.00
Resource Status Code		259 (ONRL)
RRS Responsibility(MW)		6.60
RRS Schedule (MW)		0.00
NSRS Responsibility (MW)		0.00
NSRS Schedule (MW)		0.00
MPC		6.80
LPC		0.00
Breaker Status		Open
UFR Status		Closed (Armed)

LR Schedule Change within 1 minute: Pass **XX** Fail

LR Deploys within 10 minutes of VDI: Pass **XX** Fail

LR Remains Deployed during Entire Deployment Period: Pass **XX** Fail

LR Time of Recall XML Instruction: **10:59:05**

LR Time of Recall Verbal Dispatch Instruction: **11:00:20**

Time Load Restored to Pretest Conditions: **12:42:32**

Limiting Factors if Any: **None**

ERCOT Test Coordinator: **Steve Krein**

QSE Representative Initiating Load Shed: _____

Signature: _____

LR Authorized Representative: _____

Signature: _____

5.2 Load Resource Qualification Test Report

RESULTS of LOAD RESOURCE ANCILLARY SERVICE TESTING

Test Date: **4/10/2019**

Asset Code: **BRKRG_LD7**

Customer Common Name for the LR: **SEBU**

Resource Entity: **Basa Resources 2** QSE: **Viridity Energy**

TDSP: **Oncor** Transmission Substation name: **Breckenridge**

Registered Capacity (MW): **7.00**

Type of Ancillary Service Test: **Unannounced RRS Interruption Test**

Pre-deployment Telemetry

	QSE Reported Value	ERCOT Reported Value
LR Net real power Flow(MW)		6.30
Resource Status Code		259 (ONRL)
RRS Responsibility(MW)		6.10
RRS Schedule (MW)		6.10
NSRS Responsibility (MW)		0.00
NSRS Schedule (MW)		0.00
MPC		6.40
LPC		0.00
Breaker Status		Closed
UFR Status		Closed (Armed)

Time for XML Deployment Instruction from ERCOT: **10:25:10**

Time for Verbal Dispatch Instruction from ERCOT: **10:27:20**

Time Load Resource Responded to the VDI: **10:29:02**

Dispatched Capacity (MW): **6.3** Load Response (MW): **6.30**

Load Response based on TDSP Telemetry Delta Change (MW): **6.27**

Post-deployment Telemetry

	QSE Reported Value	ERCOT Reported Value
LR Net real power Flow(MW)		0.00
Resource Status Code		259 (ONRL)
RRS Responsibility(MW)		6.10
RRS Schedule (MW)		0.00
NSRS Responsibility (MW)		0.00
NSRS Schedule (MW)		0.00
MPC		6.40
LPC		0.00
Breaker Status		Open
UFR Status		Closed (Armed)

LR Schedule Change within 1 minute: Pass **XX** Fail
LR Deploys within 10 minutes of VDI: Pass **XX** Fail
LR Remains Deployed during Entire Deployment Period: Pass **XX** Fail
LR Time of Recall XML Instruction: **10:59:05**
LR Time of Recall Verbal Dispatch Instruction: **11:00:20**
Time Load Restored to Pretest Conditions: **12:50:32**
Limiting Factors if Any: **None**

ERCOT Test Coordinator: **Steve Krein**

QSE Representative Initiating Load Shed: _____

Signature: _____

LR Authorized Representative: _____

Signature: _____

5.2 Load Resource Qualification Test Report

RESULTS of LOAD RESOURCE ANCILLARY SERVICE TESTING

Test Date: **04/14/2020**

Asset Code: **GLSRANCH_LD3**

Customer Common Name for the LR: **CQ Copper Nail PME**

Resource Entity: **Viridity Energy Solutions** QSE: **Viridity Energy**

TDSP: **Oncor**

Transmission Substation name: **Glass Ranch**

Registered Capacity (MW): **12.0 MW**

Type of Ancillary Service Test: **Initial RRS Qualification Test**

Pre-deployment Telemetry

	QSE Reported Value	ERCOT Reported Value
LR Net real power Flow(MW)	6.64	6.64
Resource Status Code	ONRL	259 (ONRL)
RRS Responsibility(MW)	5.00	5.00
RRS Schedule (MW)	5.00	5.00
NSRS Responsibility (MW)	0.00	0.00
NSRS Schedule (MW)	0.00	0.00
MPC	6.90	6.90
LPC	0.00	0.00
Breaker Status	Closed	Closed
UFR Status	Enabled	Closed (Enabled)

Time for XML Deployment Instruction from ERCOT: **14:17:06**

Time for Verbal Dispatch Instruction from ERCOT: **14:19:30**

Load Resource deployed at: **14:20:36**

Dispatched Capacity (MW): **6.5** Load Response (MW): **6.64**

Load Response based on TDSP Telemetry Delta Change: **5.95**

Post-deployment Telemetry

	QSE Reported Value	ERCOT Reported Value
LR Net real power Flow(MW)	0.00	0.00
Resource Status Code	ONRL	259 (ONRL)
RRS Responsibility(MW)	5.00	5.00
RRS Schedule (MW)	0.00	0.00
NSRS Responsibility (MW)	0.00	0.00
NSRS Schedule (MW)	0.00	0.00
MPC	6.90	6.90
LPC	0.00	0.00
Breaker Status	Open	Open
UFR Status	Enabled	Closed (Enabled)

LR Schedule Change within 1 minute: Pass **XX** Fail

LR Deploys within 10 minutes of VDI: Pass **XX** Fail

LR Remains Deployed during Entire Deployment Period: Pass **XX** Fail

LR Time of Recall XML Instruction: **14:53:21**

LR Time of Recall Verbal Dispatch Instruction: **15:02:04**

Time Load Restored to Pretest Conditions: **16:54:54**

Limiting Factors if Any: **None**

ERCOT Testing Coordinator: **Steve Krein**

QSE Representative Initiating Load Shed: _____

Signature: _____

LR Authorized Representative: _____

Signature: _____

Qualification Test Affidavit

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

AFFIDAVIT

Load Qualification Tests for Load Resources providing Responsive Reserve Service (RRS) and/or Non-Spinning Reserve Service

BEFORE ME, the undersigned authority, _____, being first duly sworn, deposes and states:

1. "My name is _____. I am over the age of twenty-one and am competent to make the following statements.
2. I am employed as _____ at _____, having its principal place of business at _____.
3. I have reviewed and fully understand the Load Resource Ancillary Service Qualification Test Procedures that govern load participation in the ERCOT Ancillary Service Markets.
4. I hereby affirm and certify that the method used to dispatch and shed the load as part of that test is consistent with the method that will be used during an actual deployment of the Load Resource named _____.
5. I hereby affirm and certify that the facilities described in the Resource Entity's Asset Registration, One-line diagram and if applicable the Under-Frequency Relay Test Report; attached hereto are to the best of my knowledge in compliance with all requirements specified in the ERCOT Protocols and Operating Guides.
6. The test results are attached to this Affidavit and represent an accurate assessment of the testing that was conducted and are a part of this Qualification Test documentation.

The foregoing statements offered by me are true and correct and the opinions stated therein are, in my judgment and based upon my professional experience, true and correct."

Affiant

SUBSCRIBED AND SWORN TO BEFORE ME on this _____ day of _____, 200__, by _____, Affiant named herein.

Notary Public, State of Texas