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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

**ELECTRIC RELIABILITY COUNCIL OF TEXAS, INC.’S
FIRST SET OF REQUESTS FOR INFORMATION TO COMPLAINANTS**

Electric Reliability Council of Texas, Inc. (“ERCOT”) serves this First Set of Requests for Information (“RFI”) on ENGIE Energy marketing NA, Inc. and Viridity Energy Solutions, Inc. (“Complainants”). Under SOAH Order Nos. 2 and 10 in this proceeding, responses to ERCOT’s First Set of RFIs are due within 14 calendar days after Complainants’ receipt of the RFIs.

DEFINITIONS

The following definitions apply to each of the RFIs, instructions, and definition set forth in this document:

1. The term “ERCOT” shall mean Electric Reliability Council of Texas, Inc. and its representatives.
2. The term “Engie” shall collectively mean Engie Energy Marketing NA, Inc. and its representatives, ENGIE Resources, LLC and its representatives, and ENGIE North America, Inc. and its representatives.
3. The term “Viridity” shall collectively mean Viridity Energy Solutions, Inc. and its representatives, and Viridity Energy, Inc. and its representatives.
4. The term “Complainants” shall collectively mean Engie and Viridity, as defined herein.
5. The term “representatives,” as used in Definitions 2 and 3 above includes all employees, officers, directors, independent contractors, in-house counsel, outside counsel, or other persons acting on the entity’s behalf, including without limitation, representatives of the entity’s parent company, subsidiary, affiliates, members, or managers.
6. The term “communication” shall include all verbal and written communications (including written records of verbal communications) of every kind, including but not limited to, telephone calls, conferences, letters, electronic mail (e-mail), modem transfers, and all memoranda or other documents concerning the requested item. When communications are not in writing, provide copies of all memoranda and documents and describe in full the substance of the communication to the extent that substance is not

reflected in the memoranda and documents provided and to the extent it is within the knowledge of Viridity or its representatives.

1. "Documents" refers to all writings and records of every type, including e-mails or other electronic media, in the possession, control, or custody of Viridity, whether produced or stored by any process, including magnetically or electronically. "Documents" shall also refer to copies of documents, even though the originals of those documents are not in the possession, custody, or control of Viridity, every copy of a document which contains handwritten or other notations or which otherwise does not duplicate the original or any other copy, and all attachments to any documents.
2. Any term not specifically defined herein shall have the meaning set forth in Section 2 of the ERCOT Protocols.
3. Pursuant to Rule 196.4 of the Texas Rules of Civil Procedure, ERCOT specifically requests production of electronic or magnetic data (included in the definition of document) that is responsive to a request be produced on CD-ROM, DVD, or USB in a format that is compatible with Adobe Acrobat, Microsoft Word, or Microsoft Excel. If a particular type of data cannot be made compatible with these formats, please confer with the attorney(s) listed in the General Instructions to determine a mutually agreeable format.
4. The term "e-mail" includes the entire string and all attachments found anywhere in the e-mail string.
5. The term "concerning" includes the following meanings: relating to; referring to; pertaining to; regarding; discussing; mentioning; containing; reflecting; evidencing; describing; showing; identifying; providing; disproving; consisting of; supporting; contradicting; in any way legally, logically, or factually connected with the matter to which the term refers; or having a tendency to prove or disprove the matter to which the term refers.

GENERAL INSTRUCTIONS

The following General Instructions apply to each of the RFIs by ERCOT:

1. Please provide all narrative responses in hard copy, on separate pages for each response, with the question restated at the top of the page. Where possible, please also provide responses via e-mail including all exhibits that are electronically available.
2. For each responsive answer, please identify the individual(s) responsible for its preparation, and the witness sponsoring the answer provided.
3. If a data request can be answered in whole or in part by reference to the response to a preceding or subsequent data request, including data requests of Commission Staff and other parties, so indicate. Specify the preceding or subsequent data request by participant or party and by number, and state whether it is claimed that the response to the preceding or subsequent data request is a full response to the instant data request. If not, furnish the balance of the response needed to complete a full reply.
4. In the event any document requested in this request is unavailable, describe in detail the reasons the document is unavailable.

5. When an RFI requests copies of previously filed testimony, please provide either: (a) an electronic or paper copy of the testimony itself; or (b) sufficient information for ERCOT to retrieve the testimony from a publicly available source, including: (i) the jurisdiction in which the testimony was filed; (ii) the docket number of the proceeding in which the testimony was filed; (iii) the date the testimony was filed; and (iv) if available, an electronic link to the testimony itself, rather than just a link to the jurisdiction's website.
6. When producing documents pursuant to these RFIs, designate on the document or group of documents the RFI(s) in response to which the document(s) are produced.
7. In answering any of these RFIs, if there is any ambiguity in interpreting either the request or a definition or instruction applied thereto, please contact Ron Moss at:

Winstead P.C.
401 Congress Avenue, Suite 2100
Austin, Texas 78701
Telephone: (512) 370-2867
Facsimile: (512) 370-2850
Email: rhmoos@winstead.com

If that is not possible, set forth the language deemed to be ambiguous and the interpretation chosen or used in responding to the request.

8. These data requests are continuing in nature and require supplemental responses when further or different information with respect to any of them is obtained.
9. Use of the singular or plural word form in a data request is not to be interpreted to exclude information or documents from the scope or intent of the specific request.
10. The terms "and" and "or" shall be construed either disjunctively or conjunctively whenever appropriate in order to bring within the scope of these requests any information or documents which might otherwise be considered to be beyond their scope.
11. If any document covered by this request is withheld for whatever reason, please furnish a list identifying all withheld documents in the following manner
 - (a) the reason for withholding;
 - (b) the date of the document;
 - (c) a brief description of the document;
 - (d) the name of each author or preparer;
 - (e) the name of each person who received the document; and
 - (f) a statement constituting the basis for withholding the document.
12. If Complainants decline to respond to any request for information or data on the basis of privilege, please state as to each such request an explanation for the refusal. Identify those documents and communications that are withheld from the response to each specific data request. The identification shall be served within the time specified by the presiding examiner for this proceeding and in accordance with the Rules of the Commission, and shall:
 - (a) specify the date of the document, its author(s) (with title and designation if an attorney), and recipients (with title and designation if an attorney);
 - (b) contain a brief summary of the subject matter of the document; and

- (c) contain a brief statement of the reason that, in your opinion, the assertion of privilege is justified.

13. Please provide data responses as they become available.

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 September 13, 2023 by email, in accordance with Second Order Suspending Rules issued on July 16, 2020 in Project No. 50664.

/s/ Elliot Clark
Elliot Clark

**ERCOT'S FIRST SET OF REQUESTS FOR INFORMATION
TO COMPLAINANTS**

- ERCOT 1-1:** Regarding Jess K. Totten's September 12, 2023 Rebuttal Testimony, please provide a list of all documents, tangible things, reports, models, or data compilations that Mr. Totten relied upon in forming his opinions.
- ERCOT 1-2:** Regarding Jess K. Totten's September 12, 2023 Rebuttal Testimony, please provide all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for Mr. Totten in anticipation of his rebuttal testimony.
- ERCOT 1-3:** Regarding Jess K. Totten's September 12, 2023 Rebuttal Testimony, please provide all communications between Mr. Totten and Complainants or Complainants' attorneys related to compensation for Mr. Totten's rebuttal testimony, including invoices and engagement letters.
- ERCOT 1-4:** Regarding Jess K. Totten's September 12, 2023 Rebuttal Testimony, please provide all communications between Mr. Totten and Complainants or Complainants' attorneys that identify facts or data provided to Mr. Totten and that Mr. Totten considered in forming his opinions.
- ERCOT 1-5:** Regarding Jess K. Totten's September 12, 2023 Rebuttal Testimony, please provide all communications between Mr. Totten and Complainants or Complainants' attorneys that identify assumptions provided to Mr. Totten and that Mr. Totten relied on in forming his opinions.
- ERCOT 1-6:** Regarding Jess K. Totten's September 12, 2023 Rebuttal Testimony, please provide all communications between Mr. Totten and Complainants or Complainants' attorneys about the facts and issues in dispute in this proceeding.