



Filing Receipt

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March 14, 2023

VIA E-FILE

Filing Clerk
Public Utility Commission of Texas
1701 North Congress Avenue, Suite 8-100
Austin, TX 78701

Re: Project No. 53385 – Emergency Operations Plan Annual Review
Diamond Energy TX, LLC (Certificate No. 10288)

Dear Filing Clerk:

Please accept for filing in the above-referenced proceeding the attached information related to the Emergency Operations Plan (“EOP”) Annual Review for Diamond Energy TX, LLC (“Diamond”) pursuant to 16 Texas Admin. Code (TAC) § 25.53. Diamond provides the following information as required under the rule.

- A Pleading that documents Diamond did not make any changes to the list of emergency contacts
- An attestation from Richard Rathvon, President and Chief Executive Officer, stating that Diamond did not make a change to its EOP that materially affects how it would respond to an emergency
- The supporting affidavit as required under the rule

If you have any questions regarding the attached, please contact me via email.

Thank you,

Krista Glentzer
Regulatory Manager

cc: Richard Hudson - Diamond Energy TX, LLC

PROJECT NO. 53385

EMERGENCY OPERATIONS PLAN	§	PUBLIC UTILITY COMMISSION
PLEADING REGARDING CHANGES	§	OF TEXAS
TO THE LIST OF EMERGENCY	§	
CONTACTS	§	

DIAMOND ENERGY TX, LLC EMERGENCY OPERATIONS PLAN STATEMENT

Diamond Energy TX, LLC (“Diamond”) pursuant to 16 Texas Admin. Code (TAC) § 25.53 submits its statement regarding section (3)(B)(i) which requires a pleading that documents any changes to the list of emergency contacts. Diamond is additionally submitting the affidavit of executive officer Richard Rathvon, attesting to the facts represented herein. Diamond provides the following information required under the rule.

NOTICE OF CHANGES TO EMERGENCY CONTACTS

Diamond hereby gives notice that it has verified its Emergency Contacts included in Diamond’s Emergency Operations Plan which was filed with the Commission and has made no changes since the original filing. Diamond has reviewed its Emergency Operations Plan and has not made any changes that materially affects how Diamond would respond in an emergency, as attested to in the accompanying filing.

Respectfully submitted,



Richard Rathvon
President & CEO
Diamond Energy

PROJECT NO. 53385

**FILING OF ATTESTATION AFFIRMING EOP CHANGES
AFFIDAVIT OF CHIEF EXECUTIVE OFFICER FOR
DIAMOND ENERGY TX, LLC
FILED PURSUANT TO § 25.53 ELECTRIC SERVICE EMERGENCY OPERATIONS
PLAN SECTION 3(B)(ii)**

State of

County of

Before me, the undersigned notary public, on this day personally appeared Richard Rathvon, to me known to be the person whose name is subscribed to the foregoing instrument, who being duly sworn according to law, deposes and says:

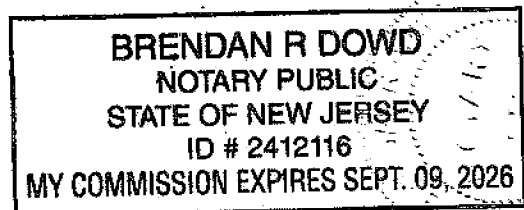
1. Diamond Energy TX, LLC ("Diamond") operates as a retail electric provider in the State of Texas and the Electric Reliability Council of Texas (ERCOT) region and control system;
2. The § 25.53 Electric Service Emergency Operations Plan Rule is applicable to Diamond.
3. Diamond has reviewed the Diamond Emergency Operations Plan that was filed with the Commission and did not make any changes to its EOP that materially affects how Diamond would respond to an emergency.

By:


Richard Rathvon

SWORN TO AND SUBSCRIBED before me on this 9th day of March, 2023.


Notary Public



AFFIDAVIT FOR PROJECT NO. 53385

State of


County of

Before me, the undersigned notary public, on this day personally appeared Richard Rathvon to me known to be the person whose name is subscribed to the foregoing instrument, who being duly sworn according to law, deposes and says:

1. My name is Richard Rathvon. I am over the age of eighteen and am a resident of the State of New Jersey. I am competent to testify to all the facts stated in this Affidavit, and I have the authority to make this Affidavit on behalf of Diamond Energy TX, LLC d/b/a Diamond Energy ("Diamond Energy") as the highest-ranking representative, official, or officer with binding authority over Diamond Energy.
2. I swear or affirm that in my capacity as Chief Executive Officer, I have personal knowledge of the facts as stated in this Affidavit which is given in support of Diamond Energy's Emergency Operations Plan ("EOP") submission to the Public Utility Commission of Texas ("PUCT") and to the Electric Reliability Council of Texas ("ERCOT") as required by 16 Tex. Admin. Code ("TAC") 25.53. I further swear or affirm that all of the statements and/or representations made in this affidavit are true, complete and correct to the best of my knowledge.
3. I further swear or affirm that relevant operating personnel are familiar with and have received training on the applicable contents and execution of the EOP, and such personnel are instructed to follow the application portions of the EOP except to the extent deviations are appropriate as a result of specific circumstances during the course of emergency.
4. I further swear or affirm that the EOP has been reviewed and approved by the appropriate executives.
5. I further swear or affirm that Diamond Energy needs to conduct a drill consistent with 16 TAC 25.53(f) before the date that Diamond Energy commences commercial operations and will provide notice to the Commission at least 30 days before that drill is conducted. Once that drill is conducted, Diamond Energy will notify the Commission.
6. I further swear or affirm that the EOP or an appropriate summary has been distributed to local jurisdictions as needed.
7. I further swear or affirm that Diamond Energy maintains a business continuity plan that addresses returning to normal operations after disruptions caused by an incident.
8. I further swear or affirm that Diamond Energy's emergency management personnel who are designated to interact with local, state, and federal emergency management officials during emergency events will receive the latest IS-100, IS-200, IS-700, and IS-800 National Incident Management System Training on or before the date that Diamond Energy commences commercial operation.

Further affiant sayeth not.

By:


Richard Rathvon

SWORN TO AND SUBSCRIBED before me on the 9th day of March, 2023

BRENDAN R DOWD
NOTARY PUBLIC
STATE OF NEW JERSEY
ID # 2412116

MY COMMISSION EXPIRES SEPT. 09, 2026


Notary Public