



Filing Receipt

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Control Number - 53385
ItemNumber - 1176



March 15, 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 – Annual Update of Emergency Operations Plan
BKV-BPP Retail LLC (Certificate No. 10323)

Dear Filing Clerk:

Please accept for filing in the above-referenced proceeding the attached information related to the Annual Update of the Emergency Operations Plan ("EOP") for BKV-BPP Retail LLC ("BKV-BPP") pursuant to 16 Texas Admin. Code § 25.53. BKV-BPP submits a revised Emergency Operations Plan and supporting affidavit as required under the rule. Please note the changes to the EOP as follows:

Section II: Emergency Contacts

- The email address of Javier Hinojosa, Primary Contact, was updated.
- Barend VanderHorst, Director Portfolio Management, was added as Backup Contact, replacing Jay Hurst.

Section IV: Record of Distribution

- Barend VanderHorst, Director Portfolio Management, was added with a date of distribution, access, or training of March 7, 2023.

Section 1.: Approval and Implementation

- Barend VanderHorst, Director of Portfolio Management, was added with the authority to maintain, change or implement the EOP.
- The Revision Control Summary was updated to reflect that changes were made to Section II, IV and 1. in the updated version of the EOP.
- The updated version is noted in the Statement of Approval with the updated date of March 7, 2023.

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

Thank you,

A handwritten signature in black ink, reading "Krista Glentzer". The signature is written in a cursive, flowing style.

Krista Glentzer
Regulatory Manager

cc: B. VanderHorst - BKV-BPP Retail LLC

AFFIDAVIT

STATE OF COLORADO

COUNTY OF DENVER

Before me, the undersigned notary public, on this day personally appeared Javier Hinojosa 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 Javier Hinojosa. I am over the age of eighteen and am a resident of the State of Colorado. 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 BKV-BPP Retail, LLC as the highest-ranking representative, official, or officer with binding authority over BKV-BPP Retail.
2. I swear or affirm that in my capacity as Authorized Representative, I have personal knowledge of the facts as stated in this Affidavit which is given in support of BKV-BPP Retail'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") SS 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 applicable portions of the EOP except to the extent deviations are appropriate as a result of specific circumstances during the course of an 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 BKV-BPP Retail intends to conduct a drill annually after the commencement of operations that is consistent with 16 TAC SS 25.53(f). BKV-BPP Retail will notify the Commission of plans to conduct this drill at least 30 days before that drill is conducted.
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 BKV-BPP Retail maintains a business continuity plan that addresses returning to normal operations after disruptions caused by an incident.
8. I further swear or affirm that BKV-BPP Retail'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 BKV-BPP Retail commences commercial operations.

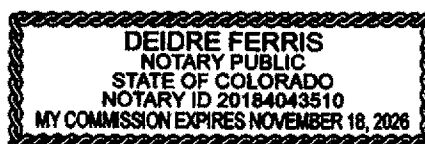
Further affiant sayeth not.

By: [Signature]
Javier Hinojosa

SWORN TO AND SUBSCRIBED before me on the 14th day of March, 2023

[Signature]
DEIDRE FERRIS

Notary Public in and for the State of COLORADO



Emergency Operations Plan

BKV-BPP Retail, LLC

OWNER: Authorized Representative of BKV-BPP Retail

VERSION NO.: 2

LAST REVISED: 03/07/2023

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0. EXECUTIVE SUMMARY

I. INTRODUCTION

This Emergency Operations Plan ("EOP") is applicable to BKV-BPP Retail, LLC ("BKV-BPP Retail"). The EOP sets forth BKV-BPP Retail's common operational functions that are relevant across emergency types and includes annexes that outline BKV-BPP Retail's response to specific types of emergencies. The objective of the plan is to identify and document measures that will enable BKV-BPP Retail to effectively respond to a disruptive event and restore critical business operations in a timely manner. This EOP is submitted to the Public Utility Commission of Texas ("Commission") and to the Electric Reliability Council of Texas ("ERCOT") in compliance with the requirements of 16 Tex. Admin. Code ("TAC") 25.53.

II. EMERGENCY CONTACTS

As required by 16 TAC 25.53(c)(4)(B), BKV-BPP Retail provides the below list of primary and backup contacts who can immediately address urgent requests and questions by the Commission or other stakeholders:

Level of Contact	Name	Title	Email	Phone
Primary	Javier Hinojosa	VP Retail Power and Authorized Representative	javierhinojosa@bkvenergy.com	720-996-0074
Backup	Barend VanderHorst	Authorized Representative	barendvanderhorst@bkvenergy.com	713-204-0741
Backup	Robert Dowd	GM of BKV-BPP Power LLC	robertdowd@bkv-bpp.com	704-516-6033

III. SUMMARY OF CONTENTS AND POLICIES

a. *Approval and Implementation (25.53(d)(1))* – Section 1 pp. 7-8

The approval and implementation section of the EOP introduces the EOP and outlines its applicability. It lists the individuals responsible for maintaining and implementing the EOP and those who can change the EOP. It also provides a revision control summary that lists the dates of each change made to the EOP since the initial EOP was adopted on November 16, 2022. It provides a dated statement that the current EOP supersedes previous EOPs, and also states the date the EOP was most recently approved by BKV-BPP Retail.

b. *Communication Plan (25.53(d)(2))* – Section 2 pp. 9 - 10

The communication plan describes the procedures during an emergency for BKV-BPP Retail's communication with the public, media, customers, the Commission, and OPUC, and the procedures for handling complaints during an emergency. During any designated emergencies BKV-BPP Retail will establish a streamlined process for emergency communications with the media and the public and will communicate as necessary through a designated spokesperson. Customers will be proactively contacted through appropriate communication channels as authorized in BKV-BPP Retail's customer contracts. Designated individuals have been established for communications with the Commission and with OPUC. BKV-BPP Retail will maintain its established processes for customer complaint handling during an emergency.

c. Plan to Maintain Pre-identified Supplies for Emergency Response (25.53(d)(3)) – Section 3 pp. 11

BKV-BPP Retail will use commercially reasonable efforts and industry best practices to ensure the availability of necessary supplies required for appropriate emergency response. At this time BKV-BPP Retail does not operate or maintain physical facilities within Texas.

d. Plan to Address Staffing During Emergency Response (25.53(d)(4)) – Section 4 pp. 12 - 14

BKV-BPP Retail has business continuity procedures established to ensure appropriate staffing during emergency response. BKV-BPP Retail's business continuity procedures prioritize the safety of its employees. This plan describes BKV-BPP Retail's employee notification procedures in the event of an emergency, as well as details for off-site collective work and individual remote work if necessary.

e. Plan to Address Identification of Weather-Related Hazards and EOP Activation (25.53(D)(5)) - Section 5 pp. 15

This plan addresses how BKV-BPP Retail identifies various hazards that could necessitate activation of the EOP, including weather-related hazards such as tornadoes, hurricanes, extreme cold weather, extreme hot weather, drought, and flooding.

f. Drills (25.53(f)) – Section 6 pp. 16

This section addresses how BKV-BPP Retail plans to participate in annual drills and notify the Commission Staff of completion of drills.

g. Annexes (25.53(d)(6)) – Section 7 pp. 17 - 32

BKV-BPP Retail submits the following annexes as required by the rule:

1. Pandemic and Epidemic Annex (25.53(e)(3)(A)) – Section 7.1 pp. 18 - 19

The pandemic and epidemic annex describes the processes and procedures that BKV-BPP Retail must follow to continue business operations during a health-related emergency including a pandemic or epidemic.

2. Hurricane Annex (25.53(e)(3)(B)) – Section 7.2 pp. 20 - 21

The hurricane annex includes a description of BKV-BPP Retail's response to a hurricane, including evacuation and re-entry procedures for facilities located within a hurricane evacuation zone, as defined by the Texas Division of Emergency Management ("TDEM").

3. Cyber Security Annex (25.53(e)(3)(C)) – Section 7.3 pp. 22 - 30

The cyber security annex describes the processes and procedures that BKV-BPP Retail must follow to minimize, identify, and respond to operational hazards posed by cyber security related threats.

4. Physical Security Annex (25.53(e)(3)(D)) – Section 7.4 pp. 31 - 32

The physical security annex describes the processes and procedures that BKV-BPP Retail must follow to minimize, identify, and respond to operational hazards posed by threats to the physical security of the facilities or employees.

IV. RECORD OF DISTRIBUTION

The following table provides the titles and names of persons in each of BKV-BPP Retail's organization receiving access to the EOP and the dates of access and distribution of the EOP. No training has yet occurred for the current version of the EOP as training is under development and BKV-BPP Retail has not yet commenced operations. Employee training is expected to occur for all existing employees within 30 days of commencement of commercial operations. The below table will be updated to reflect employee training dates as necessary.

Individual Name	Title	Action (Distribution, Access or Training on the EOP	Date of Distribution, Access, or Training
Javier Hinojosa	VP Retail Power and Authorized Representative	Distribution, Access, Training	11/15/2022
Barend VanderHorst	Director, Portfolio Management	Distribution, Access, Training	03/07/2023

V. DRILLS

This section of the EOP affirms BKV-BPP Retail's commitment to conducting an annual drill each calendar year to test the EOP. This section contains instruction on the notice requirements for conducting annual drills to the Commission and to TDEM District Coordinators as required by 16 TAC 25.530.

VI. AFFIDAVIT

BKV-BPP Retail attaches an affidavit on the next page from Javier Hinojosa, Vice President, Retail Power, the highest-ranking representative, official, or officer with binding authority over BKV-BPP Retail in accordance with 16 TAC 25.53(c)(4)(C).

AFFIDAVIT

STATE OF COLORADO

COUNTY OF DENVER

Before me, the undersigned notary public, on this day personally appeared Javier Hinojosa 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 Javier Hinojosa. I am over the age of eighteen and am a resident of the State of Colorado. 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 BKV-BPP Retail, LLC as the highest-ranking representative, official, or officer with binding authority over BKV-BPP Retail.
2. I swear or affirm that in my capacity as Authorized Representative, I have personal knowledge of the facts as stated in this Affidavit which is given in support of BKV-BPP Retail'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") SS 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 applicable portions of the EOP except to the extent deviations are appropriate as a result of specific circumstances during the course of an 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 BKV-BPP Retail intends to conduct a drill annually after the commencement of operations that is consistent with 16 TAC SS 25.53(f). BKV-BPP Retail will notify the Commission of plans to conduct this drill at least 30 days before that drill is conducted.
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 BKV-BPP Retail maintains a business continuity plan that addresses returning to normal operations after disruptions caused by an incident.
8. I further swear or affirm that BKV-BPP Retail'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 BKV-BPP Retail commences commercial operations.

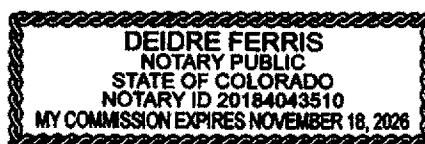
Further affiant sayeth not.

By: [Signature]
Javier Hinojosa

SWORN TO AND SUBSCRIBED before me on the 14th day of March, 2023

[Signature]
DEIDRE FERRIS

Notary Public in and for the State of COLORADO



1. APPROVAL AND IMPLEMENTATION (25.53(D)(L)(A))

This Emergency Operations Plan ("EOP") is applicable to BKV-BPP Retail's retail line of business consisting of BKV-BPP Retail, LLC, and various other legal entities.¹ The EOP sets forth BKV-BPP Retail's common operational functions that are relevant across emergency types and includes annexes that outline BKV-BPP Retail's response to specific types of emergencies. The objectives of the plan intend to identify and document measures that will enable BKV-BPP Retail to effectively respond to a disruptive event and restore critical business operations in a timely manner; document procedures to protect essential systems, applications, facilities, equipment, and other assets at the time of a disruption; facilitate effective decision-making to ensure that business operations are restored in a timely manner; enable effective communication and ensure quick and accurate dissemination of data; and ensure employee safety and security and minimize loss of life. This EOP is submitted to the Public Utility Commission of Texas ("Commission") and to the Electric Reliability Council of Texas ("ERCOT") in compliance with the requirements of 16 Tex. Admin. Code ("TAC") 25.53.

- a) The following individuals are responsible for maintaining and implementing the EOP, and/or have ability to change the EOP as described below (25.53(d)(I)(B)):

Employee	Title	Authority
Javier Hinojosa	VP, Retail Power and Authorized Representative	Maintain, implement, and change EOP
Barend VanderHorst	Director, Portfolio Management	Maintain, implement, and change EOP

- b) Revision Control Summary (25.53(d)(I)(c))

The below table discloses the dates of each change made to the EOP since the initial EOP was submitted in accordance with 25.53(c)(I).

EOP Section	Version	Date of Change	Description of Change
Entire EOP	1	Nov. 16, 2022	Policy Adopted by BKV-BPP Retail
Section 2, 4, and 1. Approval and Implementation	2	Mar. 7, 2023	Updated Contact Information

¹ This Emergency Operations Plan applies to all retail energy line of business subsidiaries and affiliates including BKV-BPP Retail.

c) Statement of Supersession (25.53(d)(l)(D))

Effective November 16th, 2022, Version 1.0 of the EOP supersedes all previous EOPs and shall remain in effect until an amended EOP is submitted to the Commission and reflected in the EOP's revision history.

d) Statement of Approval (25.53(d)(l)(E))

Version 2.0 of the EOP was most recently approved on March 7, 2023 by the appropriate officers for BKV-BPP Retail.

2. COMMUNICATION PLAN (25.53(D)(2))

In the event of an emergency, BKV-BPP Retail will communicate with the appropriate entities as follows:

Public Communication Procedures: [REDACTED]

Media Communication Procedures: [REDACTED]

Customer Communication Procedures: [REDACTED]

Commission Communication Procedures: [REDACTED]

OPUC Communication Procedures: [REDACTED]

Complaint Handling Procedures: [REDACTED]

3. PLAN TO MAINTAIN PRE-IDENTIFIED SUPPLIES FOR EMERGENCY RESPONSE
(25.53(D)(3))

[REDACTED]

4. PLAN TO ADDRESS STAFFING DURING EMERGENCY RESPONSE (25.53(D)(4))

A critical part of any emergency/disruptive event is to send concise information and instructions to the key executives, business leaders, stakeholders, and employees quickly and accurately. BKV-BPP Retail will the following processes to address staffing during emergency response:

[REDACTED]

Employee Communications

BKV-BPP Retail may communicate critical information to employees using the following procedures:

- Via standard, designated employee email addresses
- Via employee home phone numbers or mobile telephone numbers
- BKV-BPP Retail will maintain primary and secondary contact numbers for all individuals that are designated as critical during emergency situations

Alternate/Recovery Site

BKV-BPP Retail may designate an alternate or recover site location to be used in the event of an emergency. Such alternate or recovery site may be within office locations maintained by BKV-BPP Retail's parent company or affiliates, including the following locations:

[REDACTED]

Preparations for Alternate Site: [REDACTED]

Migration to Alternate Site (in response to, or in immediate preparation for emergency event):

[REDACTED]

**5. PLAN TO ADDRESS IDENTIFICATION OF WEATHER-RELATED HAZARDS AND EOP
ACTIVATION (25.53(D)(5))**

Trigger events that may require activation of the EOP (or some component thereof) at the discretion of BKV-BPP Retail's Authorized Representative are listed as follows:

[REDACTED]

BKV-BPP Retail has also established the following plan for identifying the following weather-related hazards to activate the EOP:

[REDACTED]

6. DRILLS (25.53(F))

In accordance with 16 TAC 25.53(f), BKV-BPP Retail must conduct or participate in at least one annual drill each calendar year to test the EOP. Following an annual drill, BKV-BPP Retail must assess the effectiveness of its emergency response and revise this EOP as needed. At this time, BKV-BPP Retail does not operate or maintain facilities in Texas, but if a BKV-BPP Retail facility operates in a hurricane evacuation zone as defined by TDEM, at least one of the annual drills must include a test of its hurricane annex.

Prior to conducting an annual drill, BKV-BPP Retail must, at least 30 days prior to the date of the drill, notify Commission Staff using the method and form prescribed by Commission Staff on the Commission's website and the appropriate TDEM District Coordinators, by email or other written form, of the date, time, and location of the drill. BKV-BPP Retail is not required to conduct or participate in a drill in the same calendar year in which its EOP was activated in response to an emergency.

BKV-BPP Retail will participate in or conduct annual drills following commencement of commercial operations in Texas.

7. ANNEXES

The following annexes are attached and incorporated into this EOP:

1. Pandemic and Epidemic Annex
2. Hurricane Annex
3. Cyber Security Annex
4. Physical Security Annex

PANDEMIC AND EPIDEMIC ANNEX

1. PURPOSE AND SCOPE

This Pandemic and Epidemic Annex to BKV-BPP Retail's EOP sets forth the plan to address procedures for an emergency caused by a pandemic or epidemic.

AUTHORITY

[REDACTED]

SCOPE

The Plan covers the maintenance of critical business operations during and after a business disruption caused by employee absence or relocation during a pandemic disease.

2. POLICY STATEMENT **[REDACTED]**

3. DISEASE PLAN ADMINISTRATION

DISEASE PLAN ADMINISTRATOR (ADMINISTRATOR)

The Authorized Representative may designate a Disease Plan Administrator to assume responsibility for implementation of all aspects of this Plan including directing the recovery of business. The Administrator may delegate authority to other personnel to implement specific components of the Plan.

HUMAN RESOURCES

The Disease Plan Administrator will coordinate with Human Resources to develop and implements any changes or amendments to personnel policies during a pandemic disease emergency.

PLAN ACTIVATION AND DEACTIVATION:

The Administrator may activate the Pandemic Disease Plan when:

[REDACTED]

Essential Personnel for Critical Operations:

BKV-BPP Retail will maintain a listing of essential personnel deemed necessary for the continuity of business operations.

Plan Coordination with Other Organizations:

BKV-BPP Retail will coordinate its pandemic policies and response through appropriate consultation with the following third parties.

[REDACTED]

4. PANDEMIC RELATED POLICIES AND MITIGATION MEASURES

During a pandemic disease emergency, BKV-BPP Retail may consider and adopt the following policies or mitigation measures:

[REDACTED]

HURRICANE ANNEX

1. PURPOSE AND SCOPE

This Hurricane Annex to BKV-BPP Retail's EOP sets forth the procedures for hurricane-related activities, including but not limited to evacuation and re-entry for those facilities or employees located within a hurricane evacuation zone, as defined by the Texas Department of Emergency Management. [REDACTED]

2. GENERAL PROCEDURES

The following summarizes the Business Continuity Plan for maintaining critical operations before, during, and after a hurricane, the primary threat to Houston operations. The purpose of including this information in the NORAM Plan is to ensure business continuity while safeguarding the health and welfare of NORAM employees and their families. The Atlantic and Gulf hurricane season starts on the 1st of June and ends 30 November.

3. BUSINESS CONTINUITY

BKV-BPP Retail will designate essential personnel from the following functional departments to be responsible for ensuring continuity of business operations during a hurricane event.

[REDACTED]

BKV-BPP Retail may designate an alternate or recover site location to be used in the event of a hurricane. Such alternate or recovery site may be within office locations maintained by BKV-BPP Retail's parent company or affiliates, including the following locations:

[REDACTED]

4. EVACUATION PLANS

BKV-BPP Retail may direct an evacuation of its facilities or recommend employee evacuation based on the following:

[REDACTED]

CYBERSECURITY ANNEX

1. PURPOSE AND SCOPE

This Cybersecurity Annex to BKV-BPP Retail's EOP sets forth the plan to minimize, identify, and respond to operational hazards posed by cyber security-related threats.

2. PLANS

BKV-BPP Retail adopts the following policy currently developed and in place for its parent company, BKV Corporation.

- Incident Response Plan

This policy is incorporated in this EOP in its entirety.

Incident Response Plan

[REDACTED]

Document Revision History

Date of Change	Page No.	Change Comment	Signature
11/19/2021	All	Edit with new insurance information	Bryan Becker
12/20/2021	All	Updated MSP and Call Tree	Bryan Becker

03/07/2023	2, 4, and 7	Updated Contact Information	Barend VanderHorst
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PHYSICAL SECURITY ANNEX

1. PURPOSE AND SCOPE

This Physical Security Annex to BKV-BPP Retail's EOP sets forth the plan to minimize, identify, and respond to operational hazards posed by threats to the physical security of the offices or employees.

2. DEFINITIONS & EXAMPLES

A physical security incident is an event that violates the policies, standards or Code of Conduct of BKV-BPP Retail, LLC or that threatens the safety and well-being of employees, contractors, or visitors.

Examples of incidents include:

- Workplace accidents and injuries
- Health and safety incidents
- Near misses
- Physical security breaches (e.g. break-ins)
- Workplace violence

3. RESTRICTING PHYSICAL ACCESS

[REDACTED]

4. ROLES & RESPONSIBILITIES

[REDACTED]

5. INCIDENT RESPONSE STAGES & PROCEDURE

[REDACTED]