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DOCKET NO. 55959

JOINT PETITION OF TEXAS ENERGY	§	PUBLIC UTILITY COMMISSION
ASSOCIATION FOR MARKETERS	§	
AND ALLIANCE FOR RETAIL	§	OF TEXAS
MARKETS FOR DESIGNATION	§	
UNDER 16 TAC § 25.475(B)(5)	§	

**COMMISSION STAFF’S RESPONSE TO ORDER NO. 6
ON RECOMMENDATIONS**

On December 8, 2023, Texas Energy Association for Marketers (TEAM) and Alliance for Retail Markets (ARM) (collectively, REP Coalition) filed a petition to have the Electric Reliability Council of Texas, Inc. (ERCOT) Contingency Reserve Service (ECRS) designated as an “ancillary service incurring a cost beyond a retail electric provider’s (REP) control” under 16 Texas Administrative Code (TAC) § 25.475(b)(5).

On May 6, 2024, the administrative law judge (ALJ) filed Order No. 6, directing Commission Staff to file recommendations on sufficiency of notice and a proposed schedule, by May 15, 2024. Therefore, this pleading is timely filed.

I. RECOMMENDATION REGARDING SUFFICIENCY OF NOTICE

Notice in this proceeding is governed by the general notice requirements under 16 TAC § 22.55, which states that the presiding officer may require a party to provide reasonable notice to affected persons. The REP Coalition appealed parts of notice requirements in Order No. 4; and the Commission determined that notice here would be limited to ERCOT, the Office of Public Utility Counsel (OPUC), ERCOT’s Retail Market Subcommittee and notice via Texas Register.¹ The REP Coalition filed proof of notice on February 23, 2024.² Thus, Commission Staff recommends that notice be found sufficient under the Commission’s interim Order on Appeal.

¹ Order on Appeal of Order No. 4 at 3.

² Texas Energy Association for Marketers and Alliance for Retail Markets’ Proof of Notice (February 23, 2024).

II. PROCEDURAL SCHEDULE

Order Number 6 also directed staff to recommend a procedural schedule for this docket. All parties have cooperated to create an agreed upon procedural schedule and request for hearing which will be filed separately.

III. CONCLUSION

Staff respectfully request entry of an order consistent with this pleading.

Date: May 13, 2024

Sincerely,
PUBLIC UTILITY COMMISSION OF
TEXAS

Barksdale English
Chief Program Officer

DIVISION OF COMPLIANCE AND
ENFORCEMENT



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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 May 13, 2024 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Rachel Seshan
Rachel Seshan