



Filing Receipt

Filing Date - 2024-06-21 02:50:10 PM

Control Number - 55959

Item Number - 33

DOCKET NO. 55959

JOINT PETITION OF TEXAS	§	PUBLIC UTILITY COMMISSION
ENERGY ASSOCIATION FOR	§	
MARKETERS AND ALLIANCE FOR	§	OF TEXAS
RETAIL MARKETS FOR	§	
DESIGNATION PURSUANT TO 16	§	
TEX. ADMIN. CODE § 25.475(B)(5)	§	

REP COALITION'S REBUTTAL BRIEF

The Texas Energy Association for Marketers (TEAM) and Alliance for Retail Markets (ARM) (collectively, REP Coalition) respectfully submit this Rebuttal Brief in support of the request that the Public Utility Commission of Texas (Commission) designate the Electric Reliability Council of Texas (ERCOT) Contingency Reserve Service (ECRS) as a new ancillary service that imposes a cost beyond retail electric providers' (REP) control under 16 Texas Administrative Code (TAC) § 25.475(b)(5).

I. EXECUTIVE SUMMARY

The REP Coalition has filed this request to have the Commission determine whether the newly adopted ECRS ancillary service is a new cost or fee beyond a REP's control for existing contracts entered into prior to the implementation of the new ancillary service. If the Commission makes the requested determination, then REPs could choose to make a one-time adjustment (related solely to the incremental cost of ECRS) to the price charged on prospective bills for customer contracts entered into prior to June 10, 2023.

ECRS is the first new ancillary service that has been implemented by ERCOT in more than 20 years. The designation requested here is necessitated by Commission rule amendments adopted in December 2021 in response to legislation regarding indexed products that would pass through real-time settlement point prices and other market risk. At the time that amendments to 16 TAC § 25.475 were adopted, ECRS was not developed and further development had been paused in the wake of Winter Storm Uri.

As the Commission continues to implement substantial changes to the wholesale ERCOT market pursuant to legislative direction, REPs need to be able to address such changes in law that cause new costs or fees beyond the REPs' control into existing retail contracts in order to efficiently price products to customers and to offer long-term products to customers. Therefore,

the REP Coalition respectfully requests that the Commission designate ECRS as an ancillary service product that caused REPs to incur costs beyond their control for contracts that were existing prior to the implementation of the new ancillary service on June 10, 2023.

II. ARGUMENT

The question to be answered by the Commission in this docket is straight-forward—was ERCOT’s implementation of ECRS a change in ancillary service charges that required REPs to incur charges beyond their control for existing customer contracts? That question is framed by the Commission rule that governs fixed rate products offered by REPs:

The price may not vary from the disclosed amount to reflect changes in ancillary service charges unless the commission expressly designates a specific type of ancillary service product as incurring charges beyond the REP’s control for a customer’s existing contract.¹

Accordingly, this petition requests a designation under that rule as follows:

- For fixed rate product contracts executed on or before June 10, 2023, the implementation of the ERCOT Contingency Reserve Service (ECRS) ancillary service product caused REPs to incur charges beyond their control and, thus, REPs may make a prospective one-time adjustment to the price of such contracts to account for the incremental cost of the ECRS ancillary service.

There is no deadline in statute or rule for the REP Coalition to make its request; because the issue is ripe, it is timely and the Commission can consider it. In evaluating the REP Coalition’s request, the Commission is not bound by a balancing test or a requirement to find economic hardship because neither the statute nor agency’s rules provide for such requirements. The REP Coalition’s request is transparent and is neither misleading nor deceptive – it is a question of first impression regarding the application of a relatively new Commission policy. The Commission’s granting of the request will not reintroduce wholesale indexed product pricing in the market; instead, it would provide clarity as to whether REPs are permitted to make a one-time, static adjustment (not a direct and ongoing pass through of ECRS costs) to customer contracts executed prior to June 10, 2023,

¹ 16 TAC § 25.475(b)(5); *see also* *Review of Certain Retail Electric Customer Protection Rules*, Project No. 51830, Order Adopting Amendments to 16 TAC §25.43, §25.471, §25.475, §25.479, and §25.498 and New §25.499 as Approved at the December 16, 2021 (Dec. 16, 2021) (51830 Order).

to reflect the REP's incremental ancillary service costs caused by ERCOT's implementation of ECRS.

A. The only criterion applicable to the designation requested by the REP Coalition is whether ECRS imposed costs that were beyond a REP's control.

PURA² § 39.112(a) contemplates changes to the price of fixed rate retail electric products in response to certain regulatorily imposed costs. With respect to ECRS, 16 TAC § 25.475(b)(5) has a built-in threshold that requires the Commission to designate an ancillary service product as imposing costs that are beyond a REP's control before allowing for an option for an adjustment to the price for fixed price products. The review of an ancillary service under 16 TAC § 25.475(b)(5) is conducted on a case-by-case basis.³ That is exactly the review requested by this application.

The rule does not require evidence of "concrete hardship" or some sort of balancing of impacts to REPs as a purported reason not to designate ECRS as an ancillary service incurring a cost beyond a REP's control.⁴ Although the financial effects of ECRS have been demonstrated specifically here,⁵ this is neither a required finding under the rule nor dispositive as to whether a cost is beyond a REP's control. The overall financial effect on an individual REP is competitively sensitive information that will vary depending on a multitude of factors regarding the retail electric products offered, the length of the contract terms offered, when those contracts were established, and how the pricing of those retail electric products is designed. Consideration of this information is not relevant to the determination of the factors underlying whether the new ancillary service causes the REPs to incur a new cost or fee beyond their control.

B. The cost of ECRS was not known nor could a REP have controlled the cost prior to implementation.

Commission Staff relies heavily on a REP's ability to hedge against fluctuations in wholesale market prices to support their assertion that ECRS did not cause REPs to incur costs beyond their control.⁶ This argument is framed in a manner that assumes that REPs had

² Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.016 (PURA).

³ 51830 Order at 47.

⁴ Office of Public Utility Counsel's Reply Brief at 4 (Jun. 7, 2024) (OPUC's Brief); Commission Staff's Reply Brief at 3–4 (Jun. 14, 2024) (Staff's Brief). Both parties seek some demonstration of harm as an essential element in the request for designation.

⁵ REP Coalition's Initial Brief at 4–8 (May 31, 2024).

⁶ Staff's Brief at 6–8.

information sufficient to support forward price formation for ECRS at the time the original Nodal Protocol Revision Request (NPRR) identifying the need to create ECRS was adopted.⁷ It also presupposes that REPs had sufficient information to reasonably predict the quantities that ERCOT would procure of ECRS.⁸ Neither of these assumptions is correct, and they are directly contrary to the sworn statements describing the ability of REPs to have any option to “control” the cost of this service when entering into contracts for service before the service was implemented. The quantity of ECRS that ERCOT would procure was not established until the ERCOT Board approved the 2023 ancillary service methodology in December 2022. However, it was not until the operating day of June 10, 2023, that actual ECRS historical data began to accumulate.

The history of ECRS is a lengthy one, so a brief level-set on its procedural background and implementation would be helpful to provide context to the arguments made by parties:

- ECRS was established in the EROCT Nodal Protocols in 2018-2019; however, at that time, it was grouped with several other projects as part of ERCOT’s “Project Passport”;⁹
- While Project Passport was paused in the wake of Winter Storm Uri, ECRS was later separated and its implementation accelerated as part of the Commission’s Phase I Blueprint order in January 2022 (one month after the changes to 16 TAC § 25.475 were adopted in Project No. 51830).¹⁰
- Subsequently, the first public discussion in a regulatory forum about ECRS’s implementation in 2023 was at the September 23, 2022 ERCOT Wholesale Market Working Group meeting,¹¹ where it was made apparent that ERCOT intended to procure ECRS in a manner that increased the aggregate ancillary service reserves

⁷ *Id.* at 7.

⁸ *Id.* at 6.

⁹ See e.g., Item 7.3: Passport Program Update, Urgent Board of Directors Meeting (Feb. 9, 2021), available at https://www.ercot.com/files/docs/2021/02/02/7.3_Board_Passport_Update.pdf.

¹⁰ *Review of Wholesale Electric Market Design*, Project No. 52373, Approval of Blueprint for Wholesale Electric Market Design and Directives to ERCOT, Blueprint Phase 1 – Enhancing Ancillary Services at 3 (Jan. 13, 2022).

¹¹ Wholesale Market Working Group, Meeting Agenda at Item No. 5 – Review of 2023 A/S/ Methodology Kickoff (Sept. 23, 2022), available at <https://www.ercot.com/calendar/09232022-WMWG-Meeting-by-Webex>.

and the first estimates of the ECRS ancillary service plan for 2023 (Jan-Aug) were provided.

- The ERCOT Board did not approve of the 2023 Ancillary Service Plan until December 20, 2022,¹² and then ERCOT held ECRS market readiness workshops in the spring of 2023 ahead of the June 10 launch.¹³
- In April, ERCOT presented documentation of its planned deployment procedures: ERCOT Contingency Reserve Service (ECRS) Deployment and Recall Procedure Version 0.1 (Apr. 14, 2023) (including a table titled Document Revisions with an entry listing April 14, 2023, as the date of the Initial Version of the document).¹⁴
- Even after actual implementation, ERCOT continued to update market rules to conform with this implementation. For example, Nodal Operating Guide Revision Request (NOGRR) 253 Related to NPRR 1178, Expectations for Resources Providing ERCOT Contingency Reserve Service was first submitted on May 3, 2023, and approved by the ERCOT Board on June 20, 2023.

Commission Staff's assertion that there was a corollary service that REPs could have used as a proxy to guess at future ECRS costs is not reasonable in the instance of a brand new ancillary service that has differing eligible suppliers and differing deployment standards. In fact, ECRS cleared at a price well above the other ancillary services. Combined with the lack of historical pricing for ECRS, it is unreasonable to assume that REPs could forecast ECRS costs sufficiently to broadly price this into customer contracts.

¹² ERCOT Board, Meeting Agenda Item No. 13.3 – Review 2023 ERCOT Methodologies for Determining Minimum Ancillary Service Requirements (Dec. 20, 2022), *available at* <https://www.ercot.com/files/docs/2022/12/13/13.3%202023%20ERCOT%20Methodologies%20for%20Determining%20Minimum%20Ancillary%20Service%20Requirements.pdf>.

¹³ ECRS Market Readiness and Qualification Workshop Event Details *available at* [https://www.ercot.com/calendar/04032023-ECRS-Market-Readiness-and-see_also_Market_Notice_M-A031423-01_Operations,_ECRS_Market_Readiness_and_Qualification_Workshop_\(Mar._14,_2023\)_available_at_https://www.ercot.com/services/comm/mkt_notices/M-A031423-01](https://www.ercot.com/calendar/04032023-ECRS-Market-Readiness-and-see_also_Market_Notice_M-A031423-01_Operations,_ECRS_Market_Readiness_and_Qualification_Workshop_(Mar._14,_2023)_available_at_https://www.ercot.com/services/comm/mkt_notices/M-A031423-01).

¹⁴ ERCOT Contingency Reserve Service (ECRS) Deployment and Recall Procedure Version 0.1 (Apr. 14, 2023).

As explained further below, a relevant question to this analysis is when a REP could/should have known that the new ECRS ancillary service would impose new costs beyond its control on existing contracts for service; however, it would not be reasonable to claim that ERCOT's approval of NPRR 863, in 2019, constituted fair notice to REPs of the costs they would be expected to incur much less the timing on which to expect those costs would materialize. It was after the adoption of the rule changes that are applicable here on December 16, 2021, that the Commission directed ERCOT to re-engage on designing and implementing ECRS. The following is from the Commission's January 13, 2022 order addressing the BluePrint:

ERCOT Contingency Reserve Service (ECRS) (New Ramping Ancillary Service Product). ERCOT is currently developing ECRS to serve as an additional operational reliability tool to help maintain grid reliability by managing increasing variability and ramping issues associated with higher renewable generation penetration on the grid in the future.

- **Immediately actionable:** ERCOT will accelerate the implementation of this new reliability product.
- **Next steps:**
 - Determine options for sizing the product.
 - Allocate cost of ECRS consistent with cost-causation principles, in a non-discriminatory manner pursuant to SB 3.

Because of all the market changes that led up to the implementation of ECRS, the REP Coalition landed on June 10, 2023, as the clearest notice point given that is when known, actual ECRS costs began impacting settlements.

Neither Staff nor OPUC refute the fact that ERCOT had not determined which resources would be eligible to supply ECRS until weeks before the new ancillary service product was implemented. Nor do they offer clarity regarding at what point they contend that REPs should have been able to “control” the cost of this new ancillary service in a manner sufficient to support the inclusion of this cost in residential and small commercial service contracts. It is important to note that residential and small commercial contracts are often multi-year contracts. As such, customers may be taking service under contracts today that were signed anywhere from 2020 (or even earlier) going forward. No party clarifies when or how a REP could have anticipated the quantity, timing, or cost of ECRS that would have been attributable to that load in 2020 or at any point forward from that point until the day ERCOT first revealed the procurement quantity of the new service.

The financial tools that REPs use to mitigate market risk—tools such as sufficient market liquidity to hedge or a forward curve ahead of ECRS go-live—were not available prior to the

procurement of ECRS on June 10, 2023. While some REPs may have had access to pricing through self-arrangement of ancillary services, this does not qualify as the robust forward market described in Commission Staff's brief¹⁵ nor does it constitute the forward-looking certainty referenced in the preamble in Project No. 51830.

Despite the length of time between the adoption of NPRR 863 in February 2019 and the go-live date in June 2023, critical implementation decisions were not made clear to the market until the actual implementation of the new service. The ERCOT Board approved the 2023 ERCOT Methodologies for Determining Minimum Ancillary Service Requirements at the December 20, 2022 meeting,¹⁶ the ERCOT procedures for the deployment of ECRS (including how resources would qualify to offer ECRS) were not finalized until April 2023,¹⁷ and ERCOT did not hold a workshop regarding the qualification processes for qualified scheduling entities interested in qualifying to provide ECRS until April 3, 2023.¹⁸ Commission Staff rejected the REP Coalition's arguments regarding Dispatchable Reliability Reserve Service (DRRS) on the grounds that "DRRS is still a conceptual idea and no policy or technical parameters have been established for that product yet."¹⁹ Aside from the adoption of an NPRR, that same description was applicable to ECRS prior to ERCOT's deployment of the service. The accelerated implementation and magnitude of ERCOT's ECRS procurement (cost) and inability for REPs to plan for such procurement (control) demonstrate that ECRS was a cost beyond a REP's control.

C. The designation sought under 16 TAC § 25.475(b)(5) would allow for a prospective one-time adjustment to fixed price contracts that were existing prior to implementation of ECRS.

The parties seem to argue that a one-time price adjustment would not be appropriate because it would be retroactive in nature. The REP Coalition is seeking only a prospective application of the designation of ECRS as a cost beyond the REP's control. Some clarification of nomenclature here may be helpful. Once implemented, a new ancillary service creates a recurring

¹⁵ Staff's Brief at 6–8.

¹⁶ ERCOT Board of Directors Meeting, Agenda Item No. 13.3 (Dec. 20, 2022) *available at* <https://www.ercot.com/calendar/12202022-Board-of-Directors-Meeting>.

¹⁷ ERCOT Contingency Reserve Service (ECRS) Deployment and Recall Procedure Version 0.1 (Apr. 14, 2023).

¹⁸ Market Notice M-A031423-01 Operations, ECRS Market Readiness and Qualification Workshop (Mar. 14, 2023) *available at* https://www.ercot.com/services/comm/mkt_notices/M-A031423-01.

¹⁹ Staff's Brief at 3.

cost that is embedded in the total average price charged under a fixed price contract. Consequently, REPs now include the cost of ECRS in all contracts that were executed after the implementation of ECRS.

However, for a contract under which a customer began taking service before the ECRS costs were in existence, the cost of ECRS was not embedded in a customer's contract and are not reflected in those recurring charges. By referring to any possible price adjustment that might result to account for the new ECRS charges as a one-time price adjustment, the REP Coalition is seeking to distinguish a one-time adjustment that would potentially increase the total average price by a fixed amount which would remain in place for the remainder of the contract as opposed to a pass-through adjustment that would create a mechanism for a customer's bill to be adjusted monthly for subsequent fluctuations in cost. The REP Coalition requests the former, not the latter. Said another way, a one-time price adjustment would retain the fixed nature of a fixed price contract and allow an adjustment for a regulatory change that would be made once, and thereafter remain fixed for the remainder of the contract.

Importantly, the Commission also added language allowing for a change in the price of a fixed rate product for existing customer contracts if the Commission designated an ancillary service product as imposing costs beyond a REP's control. This prevents a scenario where ERCOT implements a new ancillary service that increases the overall amount of ancillary services procured, which is exactly what happened with ECRS.²⁰ The implementation of ECRS almost doubled the amount of 10-minute reserves procured by ERCOT with only a partial offset due to a reduction in 30-minute reserve procurements.²¹ It is facts and circumstances like this that are central to deciding whether ECRS caused REPs to incur costs beyond their control. The REP Coalition's requested relief in this proceeding is exactly what the Commission contemplated when it amended 16 TAC § 25.475(b)(5) as described above.

D. Even before the changes made in Project No. 51830, the definition of fixed rate product prevented the “pass-through” of ancillary service costs.

It is incorrect to characterize the request for designation of the new ancillary service requested here as a request to “pass through” the costs of ECRS. This incorrect impression

²⁰ REP Coalition's Initial Brief at 7.

²¹ Potomac Economics, 2023 State of the Market Report for the ERCOT Electricity Markets at 24 (May 2024).

warrants the clarification of the use of the term “pass through” in 16 TAC § 25.475(g)(6). The only place in 16 TAC Chapter 25 where the term “pass-through” appears is in reference to wholesale indexed products.²² This is an appropriate use of “pass-through” because a price that is indexed to wholesale electric prices fluctuates in direct relation to wholesale market fluctuations. In other words, it exposes the customer to market pricing such that the customer is bearing the risk and is paying an amount that is based on the REP’s actual wholesale electric costs each month.

The phrase “pass through” appears a total of six times in 16 TAC Chapter 25,²³ in each instance referring to changes in transmission or distribution charges of rate-regulated utilities. Using the phrase pass through in this manner is appropriate because TDU charges billed to a REP are eligible for dollar-for-dollar recovery and a customer’s price may vary as those TDU charges vary. As described in the REP Coalition’s Initial Brief, TDU charges are the only costs REPs “pass through” to residential and small commercial customers who are on fixed price contracts.²⁴ The rest of a REP’s costs are typically embedded into a single energy charge or price per kilowatt hour.²⁵

A one-time change to the fixed price of a retail electric product to address a change in law that results in a new or modified fee or cost beyond a REP’s control or an ancillary service product that causes a REP to incur costs beyond its control is not a pass through. Specific to this proceeding, a true pass through of the cost of ECRS would result in a change to the price per kWh charged to the customer each month for ECRS—that is not at all what the REP Coalition is suggesting. Allowing REPs the option to adjust the price of a fixed rate product one time to include the cost of ECRS—a cost that was not included in the price at the time the contract was executed and is beyond the REP’s control—is not a pass through.

The REP Coalition agrees that it is within the REP function to convert market risk into a retail electric service product that can be offered at a fixed price. **REPs can and do absorb market risk for customers.** This management of market risk is accomplished through a sophisticated combination of bilateral contracts and financial products that are generally

²² 16 TAC §§ 25.475(b)(12), 25.499(c).

²³ 16 TAC §§ 25.192(h)(6), 25.193(b)(1), 25.475(g)(6), 25.479(f), and 25.483(n).

²⁴ REP Coalition’s Initial Brief at 9–10.

²⁵ Embedding all costs in the energy charge is not required and some REPs break out specific recurring charges into line items. Because those line items are for recurring charges, they are included in the total average price displayed in the Electricity Facts Label.

referenced as hedging. Since Winter Storm Uri, this management of risk has proven increasingly difficult as ERCOT has adopted a conservative approach to the procurement of ancillary services, which has changed the relative composition and collectively increased the volume of total ancillary services procured, most notably when first implemented in 2021. Again, REPs can and do absorb that market risk for customers. What REPs cannot do is price in regulatory risk for customers, specifically, the type of risk where a new cost or fee is created that was beyond the ability of the REP to predict, manage, or quantify at the time of entering into the customer contract. The need to implement the statutorily recognized concept of changes to fixed price contracts for changes in law that are beyond a REPs control is essential to being able to maintain the ability to continue to offer customers the certainty they request for multi-year long term fixed price contracts.

E. This proceeding is important to provide regulatory certainty for impacts to customer pricing for new costs or fees beyond the REP's control in a manner that is consistent with applicable statutory and regulatory principles.

The analysis that is required in this docket is whether the costs in question were caused by changes in ancillary service charges that required REPs to incur charges beyond their control for existing customer contracts, thus allowing for a one-time adjustment to those prices under 16 TAC § 25.475(b)(5)'s plain language. Similar to changes in transmission and distribution utility (TDU) charges, a change in ancillary service costs occur at the Commission's direction.

OPUC asserts that because the costs and quantities of ancillary services are "always unpredictable at some level," ancillary services costs should not qualify as a cost that is beyond a REP's control.²⁶ This interpretation of what constitutes a cost beyond a REP's control is overly broad because it results in a de facto determination that there are no new ancillary service products or modifications to existing ancillary service products that could cause a REP to incur costs that are beyond the REP's control.

What is at issue here is not the normal market price fluctuations that affect the cost of existing ancillary services. Wholesale electricity prices that fluctuate with market conditions and the availability or scarcity of energy, that are unpredictable at some level, are integral to the design of the ERCOT market. The REP Coalition agrees that fluctuations in market prices of existing ancillary services are not costs beyond the REPs' control (at least to the extent the ancillary service quantities are not radically modified without warning outside of the annual ancillary service

²⁶ OPUC's Brief at 5.

methodology review process). The REP Coalition does not seek any designation regarding those market price changes as ones that are beyond the REPs' control. The issue here is an entirely new ancillary service that was not in place at the time that REPs entered into some existing contracts. Consistent with the Commission's rule, the REP Coalition seeks a designation that implementation of ECRS and ERCOT's allocation of the new ancillary service obligation to REPs created a cost beyond the REPs' control. The requested designation would not result in a pass through of changes to the market prices that vary the cost of that new ancillary service. Regulatory changes to those dynamics, such as Commission-ordered market design changes, have the potential to impose significant costs on REPs.

OPUC's interpretation would render PURA § 39.112(a) meaningless as it relates to any future wholesale market design change because it would effectively bar price adjustments under any circumstances other than a change to TDU rates or the ERCOT System Administration Fee. It would also read the final sentence of 16 TAC § 25.475(b)(5) out of the rule. Failure to acknowledge this regulatory language would be contrary to the rules of construction that provide meaning to every word or phrase. It would, in practice, require REPs to fully shoulder the costs and risks of unhedgeable policy uncertainty. While REPs can and do make competitive decisions about how to manage those costs, for changes in law (including changes in regulation), REPs should not be *required* to do so as a matter of policy. To do so harms customers through reduced competitive market offers, shorter term products and higher prices necessitated by a risk premium to cover unknown regulatory changes. The Commission should interpret PURA § 39.112(a) and 16 TAC § 25.475(b)(5) in a manner that preserves its discretion to review changes in ancillary services and, as appropriate, designate a specific change to an ancillary service product as imposing costs that are beyond a REP's control.

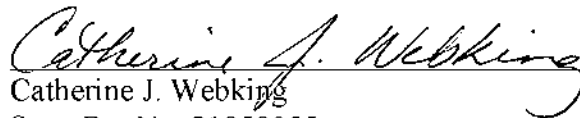
The Commission's direction in this proceeding will inform future effects of new services that are brought forward to support system reliability. The competitive retail electric market will efficiently manage these costs for customers; however, regulatory certainty regarding the impact of new services that are unknown prior to the execution of a customer contract are critical to ensuring that customers continue to receive the maximum benefits of a healthy competitive market.

III. CONCLUSION

The Office of Public Utility Counsel (OPUC) and The Staff (Staff) of the Public Utility Commission of Texas (Commission) present arguments that would essentially nullify the newly adopted language in 16 TAC § 25.475(b)(5). Initiating a proceeding that is authorized by an agency statement of general applicability that was adopted in accordance with the Administrative Procedure Act is not fraudulent, unfair, misleading, or deceptive. A Commission decision rendered in a contested case proceeding and making the designation contemplated in 16 TAC § 25.475(b)(5)—a designation that is consistent with the overall protection for management of new charges created by regulatory action found in PURA § 39.112(a)—is not arbitrary and capricious and does not constitute ad hoc rulemaking. Therefore, the REP Coalition continues to respectfully request that the Commission designate ECRS as an ancillary service that caused REPs to incur charges beyond their control.

The REP Coalition respectfully requests that the Commission designate ECRS as an ancillary service product that caused REPs to incur costs beyond their control for contracts that were existing prior to the implementation of the new ancillary service on June 10, 2023, and adopt the proposed order filed with the REP Coalition's Initial Brief on May 31, 2024.

Respectfully submitted,



Catherine J. Webking

State Bar No. 21050055

cwebking@spencerfane.com

Eleanor D'Ambrosio

State Bar No. 24097559

edambrosio@spencerfane.com

SPENCER FANE, LLP

816 Congress Avenue

Suite 1200

Austin, TX 78701

Telephone: (512) 575-6060

Facsimile: (512) 840-4551

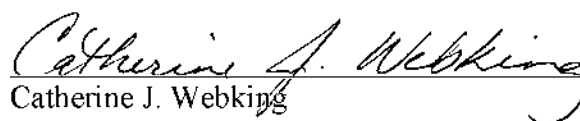
**ATTORNEYS FOR TEXAS ENERGY
ASSOCIATION FOR MARKETERS**

/s/ Carrie Collier-Brown
Carrie Collier-Brown
State Bar No. 24065064
Alaina Zermeno
State Bar No. 24098656
HUSCH BLACKWELL, LLP
111 Congress Avenue, Suite 1400
Austin, Texas 78701
Phone: (512) 703-5723
Fax: (512) 479-1101
Carrie.CollierBrown@huschblackwell.com
Alaina.Zermeno@huschblackwell.com

**ATTORNEYS FOR THE ALLIANCE FOR
RETAIL MARKETS**

CERTIFICATE OF SERVICE

I hereby certify that notice of the filing of this document was provided to all parties of record via electronic mail on June 21, 2024 in accordance with the Order Suspending Rules, issued in Project No. 50664.


Catherine J. Webking