



## **Filing Receipt**

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**Item Number - 11**

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Commissioner



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Interim Executive Director

## *Public Utility Commission of Texas*

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TO: Shelah Cisneros  
Commission Counsel  
  
All Parties of Record

FROM: Isaac Ta *I. T.*  
Administrative Law Judge

RE: **Project No. 55965** – *Petition of Texpo Power, LP for Revocation of Status as a Provider of Last Resort*

DATE: March 21, 2024

Enclosed is the Proposed Order in the above-referenced case. By copy of this memo, the parties to this proceeding are being served with the Proposed Order.

Please place this docket on an open meeting agenda for the Commissioners' consideration. Please notify me and the parties of the open meeting date. The parties must file corrections or exceptions to the Proposed Order by April 4, 2024.

**If a party proposes a correction or exception, the party must fully explain the correction or exception and must provide a citation to the record to support the correction or exception.**

**If there are no corrections or exceptions, no response is necessary.**

/scc  
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**PROJECT NO. 55965**

<b>PETITION OF TEXPO POWER, LP</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>FOR REVOCATION OF STATUS AS A</b>	<b>§</b>	
<b>PROVIDER OF LAST RESORT</b>	<b>§</b>	<b>OF TEXAS</b>

**PROPOSED ORDER**

This Order addresses the petition of Texpo Power, L.P. to be relieved of its designation as a provider of last resort (POLR) for the remainder of the 2023-2024 POLR term. The Commission revokes Texpo's designation as a POLR.

**I. Findings of Fact**

The Commission makes the following findings of fact.

**Petitioner**

1. Texpo is a Texas corporation registered with the Texas secretary of state under file number 0800627850.
2. Texpo is listed as a large service provider in the CenterPoint Energy Houston Electric LLC and Texas-New Mexico Power Company (TNMP) transmission and distribution utility service areas for the medium non-residential customer class.
3. Texpo is listed as a large service provider in the Oncor Electric Delivery Company, CenterPoint, TNMP, AEP Texas North Company, and AEP Texas Central Company transmission and distribution utility service areas for the large non-residential customer class.

**Background and Petition**

4. In Project No. 53576,<sup>1</sup> Texpo was designated, for the 2023 through 2024 term, as a POLR in the CenterPoint and TNMP transmission and distribution utility service areas for the medium non-residential customer class and in the Oncor, CenterPoint, TNMP, AEP Texas North, and AEP Texas Central transmission and distribution utility service areas for the large non-residential customer class.

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<sup>1</sup> *Designation of Electric Providers of Last Resort for 2023–2024 Pursuant to Tex. Admin. Code § 25.43 and Submission of ISP EFLs*, Project No. 53576, Notice of Approval (Oct. 7, 2022).

5. On December 11, 2023, Texpo filed the petition at issue in this proceeding requesting to be relieved of its POLR designation. Texpo asserts it is unable to serve as a POLR for the remainder of the 2023–2024 POLR term due to a change in business and financial status.
6. Texpo does not seek to amend its retail electric provider certificate or any other certificate issued by the Commission.
7. Texpo is not requesting that any other large service provider be assigned their POLR designation.
8. In Order No. 2 filed on January 17, 2024, the administrative law judge (ALJ) found the petition administratively complete.

#### **Notice**

9. On February 5, 2024, Texpo filed proof that notice was provided by certified mail, return receipt requested, on February 2, 2024, to the following:
  - a. the large service providers in the CenterPoint and TNMP transmission and distribution utility service areas for the medium non-residential customer class; and
  - b. the large service providers in the Oncor, CenterPoint, TNMP, AEP North, and AEP Central transmission and distribution utility service areas for the large non-residential customer class.
10. In Order No. 3 filed on February 20, 2024, the ALJ found the notice sufficient.

#### **Evidentiary Record**

11. In Order No. 4 filed on March 21, 2024, the ALJ admitted the following evidence into the record of this proceeding:
  - a. the petition of Texpo for revocation of status as a POLR filed on December 11, 2023;
  - b. Texpo's response to Order No. 2, including form of notice to specified large service providers, filed on February 5, 2024; and
  - c. Commission Staff's final recommendation filed on March 4, 2024.

**Texpo's Eligibility as a POLR**

12. Texpo's petition included the affidavit, dated August 15, 2023, of Kevin Meers, vice president of operations for Texpo, attesting that on June 2, 2023, Texpo entered into an asset purchase agreement in which Texpo sold and assigned its Texas customer contracts to US Retailers, LLC, and Direct Energy Business, LLC dba NRG.
13. Texpo is unable to maintain financial integrity if called upon to take customers in a POLR event.

**Informal Disposition**

14. At least 15 days have passed since the completion of the notice provided in this project.
15. No person filed a protest or motion to intervene.
16. Texpo and Commission Staff are the only parties to this proceeding.
17. No party requested a hearing, and no hearing is necessary.
18. Commission Staff recommended approval of the petition.
19. This decision is not adverse to any party.

**II. Conclusions of Law**

The Commission makes the following conclusions of law.

1. The Commission has authority over the petition under PURA<sup>2</sup> §§ 14.001 and 39.106.
2. Notice of the petition was provided in compliance with 16 Texas Administrative Code (TAC) § 22.55.
3. The Commission processed the petition in accordance with the requirements of applicable statutes and Commission rules.
4. Texpo no longer meets the POLR eligibility requirements of 16 TAC § 25.43(h)(2)(B).
5. Good cause exists to revoke Texpo's designation as a POLR, as required by 16 TAC § 25.43(q)(1)(D).
6. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

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<sup>2</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.016.

**III. Ordering Paragraphs**

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission revokes Texpo's designation as a POLR for the 2023 through 2024 term.
2. The Commission denies all other motions and any other requests for general or specific relief that are not expressly granted.

Signed at Austin, Texas the \_\_\_\_\_ day of \_\_\_\_\_ 2024.

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**THOMAS J. GLEESON, CHAIRMAN**

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**LORI COBOS, COMMISSIONER**

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**JIMMY GLOTFELTY, COMMISSIONER**

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**KATHLEEN JACKSON, COMMISSIONER**