



**Control Number: 55999**



**Item Number: 35**

PROJECT NO. 55999

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REPORTS OF THE ELECTRIC  
RELIABILITY COUNCIL OF TEXAS

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PUBLIC UTILITY COMMISSION  
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FILING CLERK  
OF TEXAS

**ORDER GRANTING GOOD CAUSE EXCEPTION**

On March 13, 2024, CPS Energy submitted to Electric Reliability Council of Texas, Inc. (ERCOT) Parts I and II of Notifications of Suspension of Operations (NSOs) regarding CPS Energy’s planned retirement of three Generation Resources, BRAUNIG\_VHB1, BRAUNIG\_VHB2, and BRAUNIG\_VHB3. CPS Energy proposes to retire these Generation Resources on March 31, 2025.

On April 22, 2024, ERCOT issued a public Market Notice on the results of ERCOT’s reliability analysis in which ERCOT identified ERCOT System performance deficiencies that are materially impacted by the retirement of the three Generation Resources.

On April 23, 2024, ERCOT filed with the Public Utility Commission of Texas (Commission) a request for a good cause exception, under 16 Texas Administrative Code (TAC) § 25.3(b), from the deadlines in the ERCOT Protocols associated with entering into an agreement for a Reliability Must-Run (RMR) service with CPS Energy or Must-Run Alternative (MRA) service with an alternative provider, both related to the planned retirement of the three Generation Resources.

Under 16 TAC § 25.3(b), the Commission grants ERCOT a good cause exception from the requirement under 16 TAC § 25.361(b)(16) that ERCOT must perform any additional duties required under the ERCOT rules; this good cause exception is limited to permitting variance from the deadlines in the ERCOT Protocols associated with the RMR and MRA processes for addressing the CPS Energy NSOs, including ERCOT Protocols § 3.14.1.2. Good cause exists due to ERCOT resource constraints and to provide more time for evaluating any potential RMR or MRA service, as the CPS Energy Generation Resources are not expected to retire until March 31, 2025 (longer than the 150-day notice requirement for an NSO). ERCOT must file an update with the Commission once it has developed an appropriate timeline for these RMR and MRA activities.

Signed at Austin, Texas the 2nd day of May 2024.

**PUBLIC UTILITY COMMISSION OF TEXAS**



**THOMAS J. GLEESON, CHAIRMAN**



**LORI COBOS, COMMISSIONER**



**JIMMY GLOTFELTY, COMMISSIONER**



**KATHLEEN JACKSON, COMMISSIONER**