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DOCKET NO. 56910

APPLICATION OF ONCOR ELECTRIC	§	PUBLIC UTILITY COMMISSION
DELIVERY COMPANY LLC TO	§	
REVOKE THE RETAIL ELECTRIC	§	OF TEXAS
PROVIDER CERTIFICATE OF	§	
ONPOINT ENERGY TEXAS, LLC	§	

ORDER NO. 4
CHARACTERIZING PETITION AS A COMPLAINT, SETTING DEADLINES, AND
ADDRESSING OTHER PROCEDURAL MATTERS

On August 2, 2024, Oncor Electric Delivery Company LLC filed a petition to revoke the retail electric provider (REP) certificate of OnPoint Energy Texas, LLC.

In Order No. 1 filed on August 6, 2024, the administrative law judge (ALJ) ordered the parties file briefing on whether a proceeding to revoke a REP certificate must be initiated by Commission Staff.

On August 21, 2024, Commission Staff filed briefing in response to Order No. 1. On August 26, 2024, Oncor filed briefing in response to Order No. 1. On September 18, 2024, Oncor filed a reply brief.

After review of the applicable statutes, Commission rules, and briefing from the parties, the ALJ concludes that nothing in PURA¹ § 39.356(a) nor 16 Texas Administrative Code (TAC) § 25.107(k) precludes a third party from initiating an action to revoke a REP certificate and that it is appropriate to characterize the petition as a complaint under 16 TAC § 22.242 in which Oncor seeks, among other things, the revocation of Declaration Energy's REP certificate.

I. Requiring Responses

By September 30, 2024, OnPoint Energy must file a response to the complaint, as required by 16 TAC § 22.78. The response must address the following:

1. the Commission's jurisdiction over this proceeding;
2. the allegations raised in the complaint;
3. the applicable statutes, rules, orders, and tariff provisions;
4. copies of any rates or tariffs that are the subject of this complaint; and
5. any other matters relevant to the complaint.

¹ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.016.

II. Statement of Position from Commission Staff

Commission Staff is required to file a statement of position regarding the complaint by October 7, 2024.

III. Deadline to Request a Hearing

The ALJ sets October 15, 2024 as the deadline to request a hearing.

IV. Filings

Filing of pleadings is typically governed by 16 TAC § 22.71. However, the Commission's Second Order Suspending Rules in Docket No. 50664² (Commission's Second Order Suspending Rules) suspended certain filing requirements found in 16 TAC § 22.71. As long as the Second Order Suspending Rules remains in effect, all parties must file any pleading or document with the Commission solely through the Interchange on the Commission's website (<https://interchange.puc.texas.gov/filer>) and provide notice, by e-mail, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered by the presiding officer. It will be incumbent upon all other parties to obtain a copy of the pleading or document by accessing the Interchange.

All parties must provide their current address, **e-mail address**, telephone and fax numbers, if available, to all other parties and the Commission by filing and serving all parties with such information. Each party must provide the Commission and all parties with updated address, **e-mail address**, telephone, and fax information if such information changes. **The e-mail addresses**, telephone and fax numbers will be placed on the service list for the convenience of the parties. Parties are responsible for updating their own service lists to reflect changed information and the addition of any other parties.

Unless otherwise specified, responses or replies to any motion or other pleading must be filed within five working days after the date on which the motion or other pleading was received by the responding party. Failure to file a timely response will be considered acquiescence to the relief requested.

Questions concerning this Order or any other order must be submitted in writing, filed with the Commission, and served on all parties of record.

² *Issues Related to the State of Disaster for the Coronavirus Disease*, Docket No. 50664, Second Order Suspending Rules (July 16, 2020).

V. Ex Parte Communications

Ex parte communications with the ALJ are prohibited per 16 TAC § 22.3(b)(2). Parties must communicate with the ALJ only through written documents filed with the Commission and served on all parties. Questions concerning this Order or any other order must be submitted in writing, filed with the Commission, and served on all parties of record.

VI. Notifying Office of Public Utility Counsel

The Office of Public Utility Counsel is notified of this proceeding by copy of this Order.

Signed at Austin, Texas the 23rd day of September 2024.

PUBLIC UTILITY COMMISSION OF TEXAS

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ADMINISTRATIVE LAW JUDGE