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DOCKET NO. 58316

APPLICATION OF TENASKA POWER	§	PUBLIC UTILITY COMMISSION
SERVICES CO. TO AMEND ITS	§	
RETAIL ELECTRIC PROVIDER	§	OF TEXAS
CERTIFICATE	§	

**COMMISSION STAFF’S RECOMMENDATION ON SUFFICIENCY OF THE
APPLICATION AND PROPOSED PROCEDURAL SCHEDULE**

On June 27, 2025, Tenaska Power Services Co. (Tenaska) filed an application to amend its Option 2 retail electric provider certificate number 10035. Tenaska requests an amendment to remove an REP customer under Public Utility Regulatory Act (PURA)¹ § 39.352 and 16 Texas Administrative Code (TAC) § 25.107.

On June 30, 2025, the administrative law judge filed Order No. 1, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on the sufficiency of the application and to propose a procedural schedule by July 18, 2025. Therefore, this pleading is timely filed.

I. RECOMMENDATION REGARDING SUFFICIENCY

Staff has reviewed Tenaska’s application and, as detailed in the attached memorandum from Josephine Gonzalez of the Consumer Protection Division, recommends that the application be deemed sufficient for further review. Staff notes that Tenaska filed their amendment on June 27, 2025, and stated the effective date of the material change was June 9, 2025. As such, Tenaska did not timely file their application. However, Staff does not recommend denying Tenaska’s Application on that basis. Instead, Staff recommends that Tenaska be given a deadline of August 1, 2025, to file a good-cause exception request to 16 TAC § 25.107(h)(2). This recommendation does not address the merits of the application.

II. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff’s sufficiency recommendation, Staff proposes the following procedural schedule:

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

Event	Deadline
Deadline for Tenaska to file a Good-Cause Exception	August 1, 2025
Intervention and comment deadline	August 8, 2025
Deadline for Staff's request for hearing or recommendation on final disposition	August 15, 2025

III. CONCLUSION

Staff recommends that Tenaska's application be found sufficient for further review and that the above-proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with the foregoing recommendations.

Dated: July 17, 2025

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Marisa Lopez Wagley
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/s/ Rowan Pruitt

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CERTIFICATE OF SERVICE

I certify that unless otherwise ordered by the presiding officer, notice of the filing of this document will be provided to all parties of record via electronic mail on July 17, 2025, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Rowan Pruitt

Rowan Pruitt

Public Utility Commission of Texas

Memorandum

TO: Rowan Pruitt, Attorney
Legal Division

FROM: Josephine Gonzalez, Licensing and Compliance Specialist
Consumer Protection Division

DATE: July 17, 2025

RE: Docket No. 58316 *Application of Tenaska Power Services Co for a Retail Electric Provider Certificate*

Staff's Recommendation on Sufficiency

Technical and Managerial Requirements

I. Application

On June 27, 2025, Tenaska Power Services Co (Tenaska) an Option 2 REP filed an application with the Public Utility Commission of Texas (Commission) pursuant to Public Utility Regulatory Act (PURA) § 39.352 and 16 Texas Administrative Code (TAC) § 25.107. Tenaska Power Services Co seeks to amend REP certificate No. 10035 for deletion of a customer.

Tenaska filed confidential supplemental information on June 27, 2025, to support their application.

II. Sufficiency Analysis

Under 16 TAC § 25.107(c)(1), an application for REP certification “shall be on a form approved by the commission, verified by oath or affirmation, and signed by an executive officer of the applicant.” Tenaska submitted its application on a Commission-approved form, it was verified by oath or affirmation, an executive officer of the applicant signed it, and it contained all the information required by 16 TAC § 25.107.

Under 16 TAC § 25.107(h)(2)(G), “[a] REP must maintain and update the information required by subsections (d), (e), and (f) of this section, as applicable, on an ongoing basis.” A REP must apply to amend its certification within ten working days from the occurrence of a material change to its certification. A REP may apply for the Commission to approve a material change by filing an application to amend its certification before the material change is anticipated to occur. A material

change includes for Option 2 REPs, the addition or removal of customers served by the Option 2 REP.

Tenaska filed their amendment on June 27, 2025, and stated the effective date of the material change was June 9, 2025. Tenaska did not timely file their application. However, Staff does not recommend to denial of Tenaska's Application on that basis. Staff recommends that Tenaska be given a deadline of August 1, 2025, to file a good-cause exception request to 16 TAC § 25.107(h)(2).

Customer Addition/Deletion Requirements

Under 16 TAC § 25.107(d)(2)(I), an "Option 2 REP must file with the [C]ommission a signed, notarized affidavit from each customer with which it has contracted to provide one megawatt or more of energy." The affidavit "must state that the customer understands and accepts the REP's ability to provide continuous and reliable electric service based on the applicant's financial, managerial, and technical resources."¹

Tenaska stated that they are deleting a customer above one megawatt and the effective date was June 9, 2025. Tenaska Power Services Co. provided the required identifying information on their customer deletion in their confidential filing on June 27, 2025.

Form Requirements

The application instructs the Option 2 applicants that are making customer changes (additions or deletions) are to complete the Title Page (TP), Mandatory Information (MI), Other Information (OI) and part B. Tenaska completed all sections of the application and provided all attachments

III. Conclusion

I have reviewed the application of Tenaska Power Services Co and found that it was submitted on a Commission-approved form and that it contains all the information required by 16 TAC § 25.107. Therefore, I recommend that the application be considered sufficient for further review. This recommendation does not address the merits of the application.

¹ 16 TAC § 25.107(d)(2)(I).