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PROJECT NO. 58479

RULEMAKING FOR NET METERING	§	PUBLIC UTILITY COMMISSION
ARRANGEMENTS INVOLVING A	§	
LARGE LOAD CO-LOCATED WITH	§	OF TEXAS
AN EXISTING GENERATION	§	
RESOURCE UNDER PURA 39.169	§	

CRUSOE’S COMMENTS ON STAFF’S DRAFT DISCUSSION RULE § 25.205

Crusoe is a vertically integrated AI infrastructure company that takes an “energy-first” approach to building solutions. Instead of bringing power to computing infrastructure, Crusoe pioneered a model that brings data centers to the site of energy generation, co-locating load with generation in a way that more efficiently uses existing infrastructure and resources and catalyzes new innovation. Crusoe’s “energy-first” model (1) incentivizes net new generation buildout and (2) requires fewer transmission upgrades for large loads. Crusoe believes it is more efficient to build out fiber networks than it is to build out more costly transmission on the backs of the ratepayers. Crusoe shares the Commission’s goal of ensuring that Texas has a reliable and affordable electric grid. Texas is an important market for Crusoe and many other large-scale data center developers. Crusoe is only one participant in the data center industry, but it is an integral player in projects in Texas that reach well into the tens of billions of dollars in investment and thousands of local jobs over the next few years.

Crusoe appreciates Staff’s work on the discussion draft of proposed new § 25.205, implementing Senate Bill 6 (“SB 6”) requirements regarding net metering arrangements involving a new large load customer co-located with an existing ERCOT generation resource.¹ The timing of the adoption of SB 6 has inadvertently created uncertainty and delays for late-stage large load interconnection requests already pending at ERCOT for projects in which millions of dollars of investment have been expended and binding obligations have been promised by the project developers in reliance on the process existing prior to SB 6 adoption.

¹ See Public Utility Regulatory Act (“PURA”) § 39.169.

We respectfully request that Commission Staff add a definition of “new large load customer” to its draft Proposal for Publication (“PfP”) consistent with SB 6 and to clarify applicability to late-stage large load interconnection requests already pending at ERCOT. In addition, Crusoe further requests that the Commission provide guidance regarding the interim SB 6 net metering review process consistent with the proposed definition to ensure that these late-stage large load projects do not face needless interconnection delays for which they could not have planned.

The net metering review and approval requirements in SB 6 apply to a proposed net metering arrangement between:

- (1) a “new large load customer as described by [PURA] Section 37.0561(c)” and
- (2) “an operating facility registered with [ERCOT] as a stand-alone generation resource as of September 1, 2025.”²

The PfP includes a definition of “existing generation resource” and ERCOT has compiled a list of stand-alone Generation Resources as of September 1, 2025.³ However, the proposed rule does not include a definition of “new large load customer” and the applicability to pending late-stage LLIs is unclear. PURA § 37.0561(c) describes a large load customer as one “requesting a new or expanded interconnection where the total load at a single site would exceed a demand threshold established by the commission,” which is 75 MW unless the Commission decides otherwise.⁴ However, SB 6 is ambiguous regarding whether pending large load customers are “new large load customers.” Therefore, Crusoe proposes adding the following definition to the PfP:

(b)(4) New Large Load Customer – an entity requesting a new or expanded interconnection where the total load at a single site would exceed a demand threshold established by the commission, and for which an amended co-located generator interconnection agreement is executed on or after September 1, 2025.

² PURA § 39.169(a).

³ See ERCOT Market Notice, “M-B090225-01 List of Stand-Alone Generation Resources Subject to PURA Section 39.169 Net Metering Review and Notice Form for Initiating ERCOT Impact Study,” September 2, 2025, available at: https://www.ercot.com/services/comm/mkt_notices/M-B090225-01. For a PUN to be incorporated into a Resource’s registration information by September 1, 2025, the Resource Entity for the Generation Resource would have had to submit a change to its ERCOT Resource Registration information and the Network Operations Model information by May 1, 2025.³ This was a month before the Legislature sent SB 6 to the Governor on June 1, 2025, and almost two months before SB 6 was signed into law by the Governor on June 20, 2025.

⁴ PURA § 37.0561(c).

Adding this definition would provide needed clarification that pending late-stage Large Load Interconnection (“LLI”) projects are not a “new large load customer” subject to an additional 180-day SB 6 net metering review if the co-located generation resource’s Standard Generation Interconnection Agreement (“SGIA”) amendment reflecting the ERCOT-approved co-located was executed by September 1, 2025. There are likely small number of pending co-location LLI projects that were requested long before SB 6 was effective and that already have interconnection agreements, financing, and construction underway with an expectation of ERCOT approval to energize by the end of 2025.

Making this clarification will ensure that these late-stage large load projects do not face needless interconnection delays that could jeopardize the projects, and for which project developers could not have predicted or accounted for. Without this clarification, the net metering approval requirements in SB 6 will add **up to 180 days** to the interconnection process for pending projects, severely delaying the interconnection timeline for a large load customer that was well into the interconnection process by the time SB 6 became law.

Applying the net metering approval requirement—and delaying an interconnecting large load project for up to 180 days—would be unfair to a project that had no opportunity to plan for this requirement. It could also have severe financial consequences for project developers who have already invested billions of dollars in developing data centers in Texas, and who may be under an obligation to meet certain timelines.

We appreciate the Commission’s consideration of these comments.

Dated: September 5, 2025

Respectfully submitted,

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