

March 12, 2021

Delivered via Market Notice

To Whom It May Concern:

We have received formal requests to inspect or copy some of our files. A copy of these requests for information are enclosed. The requested files include records we received from you or from your company. The Office of the Attorney General is reviewing this matter, and they will issue a decision on whether Texas law requires us to release your records. Generally, the Public Information Act (the "Act") requires the release of requested information, but there are exceptions. As described below, you have the right to object to the release of your records by submitting written arguments to the attorney general that one or more exceptions apply to your records. You are not required to submit arguments to the attorney general, but if you decide not to submit arguments, the Office of the Attorney General will presume that you have no interest in withholding your records from disclosure. In other words, if you fail to take timely action, the attorney general will more than likely rule that your records must be released to the public. If you decide to submit arguments, **you must do so not later than the tenth business day after the date you receive this notice.**

If you submit arguments to the attorney general, you must:

- a) identify the legal exceptions that apply,
- b) identify the specific parts of each document that are covered by each exception, and
- c) explain why each exception applies.

Gov't Code § 552.305(d). A claim that an exception applies without further explanation will not suffice. Attorney General Opinion H-436 (1974). You may contact this office to review the information at issue in order to make your arguments. We will provide the attorney general with a copy of the request for information and a copy of the requested information, along with other material required by the Act. The attorney general is generally required to issue a decision within 45 business days.

Please send your written comments to the Office of the Attorney General at the following address:

Office of the Attorney General
Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

If you wish to submit your written comments electronically, you may only do so via the Office of the Attorney General's eFiling System. An administrative convenience charge will be assessed for use of the eFiling System. No other method of electronic submission is available. Please visit the attorney general's website at <http://www.texasattorneygeneral.gov> for more information.

In addition, you are required to provide the requestor with a copy of your communication to the Office of the Attorney General. Gov't Code § 552.305(e). You may redact the requestor's copy of your communication to the extent it contains the substance of the requested information. Gov't Code § 552.305(e). You may provide a copy of your communication to the governmental body who received the request and sent the notice.

Commonly Raised Exceptions

In order for a governmental body to withhold requested information, specific tests or factors for the applicability of a claimed exception must be met. Failure to meet these tests may result in the release of requested information. We have listed the most commonly claimed exceptions in the Government Code concerning proprietary information and the leading cases or decisions discussing them. This listing is not intended to limit any exceptions or statutes you may raise.

Section 552.101: Information Made Confidential by Law

Open Records Decision No. 652 (1997).

Section 552.110: Confidentiality of Trade Secrets and Commercial or Financial Information

Trade Secrets

Commercial or Financial Information:

Birnbaum v. Alliance of Am. Insurers, 994 S.W.2d 766 (Tex. App.—Austin 1999, pet. filed) (construing previous version of section 552.110), *abrogated by In re Bass*, 113 S.W.3d 735 (Tex. 2003).

Open Records Decision No. 639 (1996).

Open Records Decision No. 661 (1999).

Section 552.1101: Confidentiality of Proprietary Information

Section 552.113: Confidentiality of Geological or Geophysical Information

Open Records Decision No. 627 (1994).

Section 552.131: Confidentiality of Certain Economic Development Negotiation Information

If you have questions about this notice or release of information under the Act, please refer to the *Public Information Handbook* published by the Office of the Attorney General, or contact the attorney general's Open Government Hotline at (512) 478-OPEN (6736) or toll-free at (877) 673-6839 (877-OPEN TEX). To access the *Public Information Handbook* or Attorney General Opinions, including those listed above, please visit the attorney general's website at <http://www.texasattorneygeneral.gov>.

Sincerely,

Electric Reliability Council of Texas, Inc.

Enclosure: Copy of requests for information
Copy of request for OAG ruling

cc:
Requestors
(w/o enclosures)

Open Records Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(w/o enclosures)



HANCE SCARBOROUGH, LLP
ATTORNEYS AND COUNSELORS AT LAW

Jay B. Stewart
Managing Partner
jstewart@hslawmail.com

March 12, 2021

VIA ELECTRONIC FILING

Justin Gordon

Office of the Attorney General
Chief - Open Government Division
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548

RE: Request for a Determination of Applicability of the Texas Public Information Act,
OAG Tracking ID: OR87850321

Dear Mr. Gordon,

On March 1, 2021, our office filed a request for a determination as to the applicability of the Texas Public Information Act to the Electric Reliability Council of Texas, Inc (OAG Tracking ID: OR87850321). Our office also filed our 15-Day brief on March 8, 2021. We have identified additional representative requests seeking information that could implicate the PIA. As such we have attached a spreadsheet of those additional requests. We hereby incorporate the March 1st and March 8th filings by reference in regards to these additional requests. We have provided a copy of the March 1st and 8th filings to the requestor, and the March 1st filings to third parties with the third party notice.

Sincerely,

/s/ Jay B. Stewart

Jay B. Stewart

Enclosure: Additional Requests



March 1, 2021

VIA ELECTRONIC FILING

Justin Gordon

Office of the Attorney General
Chief - Open Government Division
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548

RE: Determination of Applicability of Texas Public Information Act

Dear Mr. Gordon,

Following Winter Storm Uri, ERCOT has received numerous information requests through its online portal and other means. See <http://ercot.com/about/contact/inforequest>. Some of the requests cite the Texas Public Information Act, Tex. Gov't Code ch. 552, as a basis for the records request. Exhibit "A". The requests were received beginning on February 14, 2021.

The Public Utility Commission has implemented ERCOT-specific regulations that govern ERCOT's disclosure of public information. 16 Tex. Admin. Code § 25.362(e). The procedures ERCOT has adopted for handling record requests have similar deadlines and exceptions to disclosure that would be relevant to ERCOT under the PIA. ERCOT is concerned that if it is also subject to the PIA, its disclosure obligations under that statute would conflict with its PUC-implemented disclosure obligations. ERCOT is working expeditiously to respond to the information requests, and it intends to timely disclose as much information as its governing regulations permit. But because there is ambiguity about which disclosure scheme governs, ERCOT seeks a ruling from this office on whether it is subject to the PIA, while preserving its objections to the release of any information that is confidential by law. ERCOT submits this request within ten business days of the first request received. ERCOT has provided the requestors with a copy of this request and has notified each of those parties whose information is the subject of one or more of the information requests.

The PUC, which directly oversees ERCOT, has established specific information-disclosure regulations that take into account the unique nature of ERCOT's role and ERCOT's and the PUC's expertise. ERCOT, though organized as a nonprofit corporation, performs a critical governmental function while also being directly answerable to the PUC. As the "independent organization" certified by the PUC, ERCOT is responsible for "ensur[ing] the reliability and adequacy of the regional electrical network" and "ensur[ing] access to the transmission and distribution systems

for all buyers and sellers of electricity on nondiscriminatory terms.” Tex. Util. Code § 39.151(a). In short, ERCOT manages the State’s electric grid and wholesale electricity market. All of ERCOT’s operations are subject to the PUC’s plenary control. ERCOT is “directly responsible and accountable to the commission,” which in turn “has complete authority” over ERCOT. *Id.* § 39.151(d).

In its comprehensive statute creating and defining ERCOT’s role, the Legislature did not explicitly subject ERCOT to the PIA. However, recognizing that ERCOT performs a public function, the PUC has established a public-information regime that accounts for the unique nature of the information ERCOT holds. *See* 16 Tex. Admin. Code § 25.362(e). Under PUC Rule 25.362(e)(1), ERCOT must “adopt and comply with procedures that allow persons to request and obtain access to records” possessed by ERCOT. Responsive information must “normally be provided within ten business days.” *Id.* Importantly, “ERCOT’s procedures regarding access to records shall be consistent with this [rule] and commission orders.”

ERCOT must generally disclose information in its possession on request, but it must not disclose information “designated as Protected Information pursuant to ERCOT rules.” *Id.* § 25.362(e)(1)(A). ERCOT’s rules—known as protocols—are themselves binding legal rules enacted using rulemaking authority delegated from the PUC, which also has plenary authority to approve, reject, or modify them. *See* Tex. Util. Code § 39.151(d); *PUC v. Constellation Energy Commodities Grp.*, 351 S.W.3d 588, 595 (Tex. App.—Austin 2011, pet. denied) (ERCOT’s rules “have the force and effect of statutes”). Section 1.3.1.1 of ERCOT’s protocols thus defines, in granular detail, what records in its possession are protected and which are not. Records deemed protected by these PUC-approved rules include Critical Energy Infrastructure Information, the protection of which is vital to the system’s security, and enormous volumes of confidential business information that market participants must provide so that ERCOT can manage the State’s electricity market and grid.

If ERCOT declines, under these rules and protocols, to disclose protected information, the requestor may seek review from the PUC, which “may determine the validity of the asserted claim of confidentiality through a contested-case proceeding.” 16 Tex. Admin. Code § 25.362(e)(1)(C). The process is designed to answer “whether the information is subject to protection from disclosure under law.” *Id.* Rulings by the PUC in contested-case proceedings are subject to judicial review.

Subjecting ERCOT to the PIA would interfere with the PUC’s “direct[]” and “complete” authority over ERCOT and would subject ERCOT to inconsistent regulatory regimes. ERCOT performs a public function. The system administration fee that funds ERCOT’s operations is collected pursuant to the State’s police power. *See* Tex. Util. Code § 39.151(e). Some requestors may therefore argue that ERCOT is a “governmental body” under the PIA because it “is supported in whole or in part by public funds.” Tex. Gov’t Code § 552.003(1)(A). However, this office need not contend with the PIA’s definition of “public funds,” *see id.* § 552.003(5), in order to determine that ERCOT is not subject to the PIA.

The problem is structural: subjecting ERCOT to the PIA would conflict with ERCOT’s enabling statute. *See City of Waco v. Lopez*, 259 S.W.3d 147, 153 (Tex. 2008) (holding “that a

specific statute will ordinarily prevail over a general statute when the two cannot be reconciled”). That statute gives the PUC “complete authority” over ERCOT, and pursuant to that “complete authority” the PUC has created a specialized public-information regime that accounts for ERCOT’s unique function and the PUC’s oversight role. Were the PIA to apply to ERCOT, the Office of the Texas Attorney General, rather than the PUC, would have authority to determine whether ERCOT holds are subject to disclosure. In that case, the PUC’s authority would no longer be complete—because the PUC’s authority over ERCOT’s records would be subordinate to the Attorney General’s. This would conflict not only with the language of ERCOT’s enabling act, but its purpose. The Legislature granted the PUC authority over ERCOT because it has expertise in the complicated subject matter for which ERCOT is responsible. This expertise is necessary to resolve disputes about whether records in ERCOT’s possession are confidential or should be disclosed. The Attorney General lacks the technical expertise the PUC enjoys.

For example, one category of “protected information” that ERCOT protocols prohibit ERCOT and its market participants from disclosing is “[r]esource-specific costs, design, and engineering data.” Protocols § 1.3.1.1.(1)(m). Determining what information falls within this category requires significant technical expertise and regulatory judgment in balancing the commercial sensitivity of information about individual generators with the needs of the broader market to have access to at least some basic generator parameter information for system modeling and generation development purposes. Similarly, recently approved protocols prohibit disclosure of ERCOT Critical Energy Infrastructure Information, which is defined as certain grid infrastructure information that “could foreseeably be useful to a person planning an attack on ERCOT System Infrastructure.” ERCOT Protocols §§ 1.3.2(1), 2.1 (eff. Apr. 1, 2021). Whether particular information satisfies this test requires expertise in the many possible ways in which this information could be used to compromise the many thousands of components of generators, control centers, transmission lines, and substations that make up the power grid. These interpretations are best overseen by the PUC.

ERCOT’s direct accountability to the PUC, Tex. Util. Code § 39.151(d), is likewise a barrier to the PIA’s application. The PUC has ordered ERCOT to disclose records “consistent with” the PUC’s rules. 16 Tex. Admin. Code § 25.362(e)(1). ERCOT could not comply with the PIA without violating an order from its direct overseer. *See Christus Health Gulf Coast v. Carswell*, 505 S.W.3d 528, 535–36 (Tex. 2016) (holding that “directly” “means ‘without the intervention of a medium or agent’ or ‘immediately’”).

Finally, a 2019 amendment to ERCOT’s enabling act confirms that ERCOT is not subject to the PIA. Because of its critical role, ERCOT must annually “conduct [an] internal cybersecurity risk assessment, vulnerability testing, and employee training” and report to the PUC regarding its compliance with “cybersecurity and information security laws.” Tex. Util. Code § 39.151(o). The Legislature specified that information reported *to the PUC* under this provision “is confidential and not subject to disclosure” under the PIA. *Id.* § 39.151(p). While the Legislature deemed this information confidential, it did not provide that the same information was not subject to disclosure when held by ERCOT, rather than “submitted in a report” to the PUC. This implies that the PIA does not apply to ERCOT.

ERCOT asks this office to issue a ruling that ERCOT is not subject to the PIA. *See Blankenship v. Brazos Higher Educ. Auth., Inc.*, 975 S.W.2d 353, 362 (Tex. App.—Waco 1998, pet. denied) (observing that it is routine for this office to answer such questions). ERCOT emphasizes that it seeks this ruling only to avoid the impossibility of complying with dueling, inconstant disclosure obligations. The ruling will ensure the public's access to information that the PUC has deemed disclosable, but will guard information that could harm the system or the legally protectable interests of private parties. ERCOT intends to disclose as many records as the law permits. Any non-disclosure may be challenged before the PUC and, ultimately, reviewed in court.

In the event this office determines ERCOT is subject to the PIA, ERCOT objects to the disclosure of any records made confidential by its protocols or other law pursuant to Texas Government Code § 552.101, and further objects to the disclosure of any information otherwise exempted from disclosure under Texas Government Code §§ 552.101, 552.102, 552.103, 552.104, 552.107, 552.110, 552.1101, 552.133, and 552.139.

ERCOT has notified the Requestors that it is seeking a ruling from the Attorney General as to the applicability of the PIA to ERCOT, and if found to be subject to the PIA, a ruling of the Attorney General as to those items it claims should be excepted from disclosure. ERCOT has also notified third parties whose information is the subject of one or more of these requests.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Stewart", with a long horizontal flourish extending to the right.

Jay B. Stewart

Exhibit "A" – Copies of Requests for Information

Exhibit "B" – Third Party Notice

Record Requests 02/25/21 – 03/09/21

Title	Requestor	Date Received	Summary of Request
02/25/21 Texas Observer	Chris Collins (Texas Observer) [REDACTED]	25 Feb 2021	<p>To whom it may concern:</p> <p>This is a request for information pursuant to the Texas Public Information Act. I hereby request a copy of the following records:</p> <p>Copies of any and all emails sent or received by board members Mark Carpenter, Lori Cobos, Keither Emery, Nick Fehrenbach, Kevin Gresham, Sam Harper, Clifton Karnei and Jacquelin Sargent from February 12, 2021, to February 22, 2021, containing any or all of the following keywords: Uri, polar vortex, power outage, disaster, electrical grid, blackout, winter storm, winterization and reliability. This request also seeks the same communications for Bill Magness and Dwayne Rickerson.</p> <p>This request also seeks any and all text messages sent or received by the same individuals for the same time period on any government-issued phone or tablet. The same search terms apply.</p> <p>I am a member of the news media and this request is in the public interest. I request that any cost associated with fulfilling this request be waived. In an effort to defray potential copying cost, these records should be transmitted electronically.</p> <p>If you are not the records custodian for this information, please forward this request to the appropriate person. Also, please let me know if I can clarify or refine this request.</p> <p>Thank you for your time and consideration.</p>

Title	Requestor	Date Received	Summary of Request
Public - 02/25/21 Brandon Waltens	Brandon Waltens, [REDACTED], [REDACTED]	25 Feb 2021	<p>This is a request pursuant to the Public Information Act from Texas Scorecard 1) Records sufficient to show what the thermostat was set to at ERCOT's Austin and Taylor campuses for the dates Feb 11 - Feb 18; 2) Only if records sufficient to show the data identified in item 1 do not exist, any records related to the temperature maintained at the two locations for those dates; 3) All communications between Gov. Greg Abbott and/or any member of his Executive Office and any ERCOT director from Jan 1, 2021 through the present.</p>
02/26/21 WOAI-TV	Emily Baucum, [REDACTED] [REDACTED]	26 Feb 2021	<p>I am requesting any and all communications between ERCOT and CPS Energy between February 14, 2021, and February 20, 2021.</p>
02/26/21 USA Today	Rick Jervis, [REDACTED] [REDACTED]	26 Feb 2021	<ul style="list-style-type: none"> - Names and addresses of all energy extraction sites, distribution systems (hubs, pumping stations, etc.), and power plants that failed due to freeze/weather event of week of Feb 14 – Feb 19. - Weatherization plans for all above mentioned entities that failed during the recent weather event. - Record/document of enforcement or verification of weatherization plans for each of the above-named entities. - All emails and other communications between ERCOT and the Texas Division of Emergency Management and/or the Texas governor's office for Feb 9 – Feb 17 warning of upcoming winter weather event and potential outages. - Minutes of any emergency meetings between ERCOT officials (commissioners, staffers, etc) and other agencies and/or the Texas governor's office to discuss winter storm and power outages, both leading up to and during the event. - Copy of the most recent Stress Case study performed by ERCOT on Texas' power grid.
02/26/21 The Associated Press	David Koenig, [REDACTED] [REDACTED]	26 Feb 2021	<p>A list of each power generating unit on the ERCOT network that stopped providing power to the network from Feb. 8, 2021, to and including Feb. 21, 2021. Please indicate for each unit the day and time when it stopped providing power to the network and, where applicable, when it resumed providing power.</p>

Title	Requestor	Date Received	Summary of Request
02/26/21 KPRC-TV	Mario Diaz, [REDACTED], [REDACTED]	26 Feb 2021	<p>KPRC-TV is requesting all correspondence - digital and written communications - to and/or from from February 11, 2021 to February 17, 2021 of the individuals below: Sally Talberg Peter Cramton Vanessa Anesetti-Parra To expedite the search, we are interested in communication that includes any of the following terms: • Water • Generator • Pumps • Distribution • Flow • Fail • Back • Danger • Freeze • Frozen • Broken • Friends • Family • Director • Governor • Power • Plant • Pipe • Supply • Main • Property • Workers • Operations • PSI • Pressure • Infrastructure • Integrity • Cracked • Fix • Failure • Electricity If you have any questions please contact me at [REDACTED] or [REDACTED]. I look forward to hearing from you within the 10-day deadline imposed by the Act. Thank you in advance. Best regards, -Mario</p>

<p>02/27/21 KDFW/Fox 4</p>	<p>Blake Hanson, [REDACTED] [REDACTED]</p>	<p>27 Feb 2021</p> <p>Blake Hanson Fox 4/KDFW [REDACTED] 02/27/21 Electric Reliability Council of Texas Dear Custodian of Public Records, Under the Texas Public Information Act, Tex. Gov't Code §552.001 et seq., I am requesting an opportunity to inspect or obtain copies of public records from your organization. Under 552.003(1)(A) of the Texas Government Code, the Electric Reliability Council of Texas is an entity subject to Texas' Public Information Act. According to ERCOT's own brief in 05-17-00872-CV before the Texas Supreme Court: All ERCOT board members are subject to conflict-of-interest laws; all board meetings must be open to the public. PURA §§ 39.1511, 39.1512. "[B]ecause ERCOT is performing a vital public service, its records [are] available to the public" absent a "legally-sufficient basis for classifying a record as confidential." 36 TEX. REG. 1817, 1818 (emphasis added); 16 TEX. ADMIN. CODE § 25.362(e)(1) (requiring ERCOT to disclose non-confidential information at public request, and empowering the PUC to overrule claims of confidentiality). Like most State agencies, ERCOT is subject to review and oversight by the Texas Sunset Commission. PURA § 39.151(n). I am requesting an opportunity to inspect or obtain copies of recorded phone calls made to and from the ERCOT Control Room from 10 p.m. on 2/14/21 to 10 a.m. on 2/15/21. I am also requesting an opportunity to inspect or obtain copies of emails and text messages to or from Bill Magness or Dan Woodfin from 2/9/21 to 2/17/21 which mention any of the word/phrase/names "Governor" "blackout" "DeAnn" "rotating outages" "PUC" "Abbott" "press" "Nim" "Governor's Office". If there are any fees for searching or copying these records, please inform me if the cost will exceed \$40. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public understanding of the Texas Government's handling of the February winter storm and ensuing power & water crisis. The Texas Public Information Act requires that you "promptly produce" the requested records unless, within 10 days, you have sought an Attorney General's Opinion. If you expect a significant delay in responding to this request, please contact me with information about when I might expect copies or the ability to inspect the requested records. If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. If you believe any record is exempt from release, please release all other records while an Attorney</p>
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Title	Requestor	Date Received	Summary of Request
			General opinion is pending instead of waiting to fulfill the full request at one time. Thank you for considering my request. Sincerely, Blake Hanson Reporter & Anchor, KDFW/Fox 4 [REDACTED]
03/01/21 KHOU-TV	Jeremy Rogalski, [REDACTED] [REDACTED]	01 Mar 2021	From 1:45 a.m. to 1:55 a.m. on February 15, 2021, audio copies of all control calls between ERCOT and generators/transmission owners.
03/01/21 Houston Chronicle	Jeremy Blackman, [REDACTED] [REDACTED]	01 Mar 2021	1) Any available spreadsheets listing all natural gas suppliers or facilities deemed critical infrastructure as of Feb. 14, 2021. 2) Any available spreadsheets listing all natural gas suppliers or facilities that requested to deemed critical infrastructure between Feb. 15 and Feb. 19, 2021.
Public - 03/01/21 Olivia Davie	Olivia Davie [REDACTED]	01 Mar 2021	Re: Freedom of Information Act Request Under the Texas Public Information Act, Tex. Gov't Code §552.001 et seq., I am requesting an opportunity to inspect or obtain copies of public records that describe the number of power outages and how many days those households remained without power, in the Fort Worth area during the month of February. I request that the information I seek be provided in electronic format if possible. The Texas Public Information Act requires that you "promptly produce" the requested records unless, within 10 days, you have sought an Attorney General's Opinion. If you expect a significant delay in responding to this request, please contact me with information about when I might expect copies or the ability to inspect the requested records. I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the operations or activities of the government and this information is not being sought for commercial purpose. I am a student at Texas Christian University and am requesting this information for educational purposes. Thank you for considering my request and I look forward to hearing from you soon.


Title	Requestor	Date Received	Summary of Request
03/02/21 WFAA TV 3	Jason Trahan, [REDACTED] [REDACTED]	02 Mar 2021	Please send me documentation of the recent table-top walk-throughs ERCOT did of the 94 power generation facilities to check for winterization. I'd also like the reports from the year prior. I'd also like any responses to these inspections by the owners of the generation facilities.
03/02/21 WFAA TV 1	Jason Trahan [REDACTED]	02 Mar 2021	Maps showing the past, present and future locations of underfrequency relays across ERCOT's grid. Please don't hesitate to call with questions about this request.
03/02/21 The Dallas Morning News	Holly Hacker, [REDACTED] [REDACTED]	02 Mar 2021	<p>Request 1:</p> <p>Copies of computer logs and/or audio recordings from ERCOT's control room on Monday, Jan. 15, 2021 from 12:01 a.m. to 2 a.m. Central time. Thank you.</p> <p>Request 2:</p> <p>Communications (including emails, text messages, instant messages and voicemails) between ERCOT staff/board members and employees of PUCT, Railroad Commission, FERC, TCEQ, Texas Division of Emergency Management, and/or Gov. Abbott's office between Feb. 8 and Feb. 19. I seek only communications that relate to the winter storm/deep freeze/power outages/load shedding events.</p> <p>Request 3:</p> <p>For the past 5 years, copies of ERCOT's spot checks/reviews of generators regarding their weatherization/winterization efforts, along the names of the generators that were reviewed and whether ERCOT found any shortfalls with their plans. Thanks for your help.</p>

Title	Requestor	Date Received	Summary of Request
03/02/21 KPRC TV	Robert Arnold, <div data-bbox="275 493 527 537" style="background-color: black; height: 1.2em; width: 120px;"></div> <div data-bbox="275 570 476 613" style="background-color: black; height: 1.2em; width: 100px;"></div>	02 Mar 2021	<p>Pursuant to the Texas Public Information Act I am requesting copies of the following information. Any emails or other communications to and from members of ERCOT's board of directors, including Chair Sally Talberg and Vice Chair Peter Cramton, and ERCOT's executive team, including Bill Magness, as well as Senior Director Dan Woodfin that contain the following keywords: Cold, Weather, Forecast, Ice, Freeze, Freezing, Snow, Electricity, Power, Outage, Blackout, Gas, Solar, Wind, Generator, CenterPoint, load shed, shortage, winterize, winterization, weatherize, weatherization. I am requesting communications from the time period of Feb. 7, 2021 through Feb 26th. Copies of forecasts generated by ERCOT employed meteorologists from Feb 1 through Feb 19, 2021. Copies of any data generated by ERCOT's Outage scheduler from Feb 12 2021 through Feb 26th. Copies of any lists and/or reports regarding power generators that were offline and the reason for each individual outage from Feb 12 2021 through Feb 26. I ask that these records be provided in an electronic format. Copies of any audio and/or video recordings made in the ERCOT control room from noon CST Feb 14 through noon CST Feb 15 2021.</p>

<p>03/02/21 NBC 5 KXAS-TV</p>	<p>Scott Friedman (NBC 5 KXAS-TV), [REDACTED] [REDACTED] NBC5 KXAS-TV</p>	<p>02 Mar 2021</p>	<p>Request 2 received on 02 Mar 2021</p> <p>-Records detailing all travel expenses for ERCOT employees Bill Magness, Jeyant Tamby, Betty Day, Theresa Gage, Kenan Ogelman, Jayapal Parakkuth, Woody Rickerson, Chad Seely, Mara Spak and Sean Taylor for all calendar years from January 1, 2018 to present date. If ERCOT's fiscal year does not coincide with the calendar year then we request all travel expenses for each of the last three fiscal years including the present fiscal year. At a minimum we are requesting records (such as a database and or travel expense forms) showing the name of the traveler, the location of the trip, dates of trip, purpose of trip and amount spent on items such as hotel, airfare, meals, etc. -Records detailing all entertainment expenses submitted by ERCOT employees Bill Magness, Jeyant Tamby, Betty Day, Theresa Gage, Kenan Ogelman, Jayapal Parakkuth, Woody Rickerson, Chad Seely, Mara Spak and Sean Taylor for all calendar years from January 1, 2018 to present. For each expense we are requesting information detailing the date of the entertainment expense, the purpose of the entertainment expense, the location of the entertainment expense, the type of entertainment purchased (meal, concert tickets, golf outing ,etc), and the name of the group/entity/company that ERCOT entertained. -Records detailing all expenses related to hosting ERCOT board meetings from January 1, 2018 to present date. This would include but is not limited to expenses for hotel rooms for board members, airfare for board members who traveled to attend such meetings, rentals of conference locations or hotel meeting space, meals and entertainment for board members during meetings/conferences. For each expense we request records detailing the date, location of the expense and the board member or members who attended or participated. We are also requesting records detailing the same expenses for any of the following ERCOT senior staff members for any board meetings they attended: Bill Magness, Jeyant Tamby, Betty Day, Theresa Gage, Kenan Ogelman, Jayapal Parakkuth, Woody Rickerson, Chad Seely, Mara Spak and Sean Taylor.</p> <p>Request 3 received on 02 Mar 2021</p> <p>-Reports detailing all ERCOT winterization spot checks of power plants/market participants from January 1, 2017 to present date. This would include but is not limited to copies of any worksheet or checklist completed</p>
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Title	Requestor	Date Received	Summary of Request
			<p>during spot checks and any letters or emails issued to operators/market participants when a spot check is complete. For any spot check where a deficiency was found we are requesting records that detail the nature of the deficiencies. We also request any letters /correspondence showing what was done to correct those deficiencies. -Records detailing the names/locations/owners of all facilities that tripped off-line/shut down and were unable to provide generation during the 2021 winter storm event from February 13th-18th 2021. For any such plant we request any record ERCOT has received detailing why each plant was unable to provide power for a period of time. This would include but is not limited to any correspondence that ERCOT has received in response to any request for information issued to plant operators/owners. It would also include but is not limited to any such documentation ERCOT has provided to Texas legislators in response to their requests for information about why some plants were not able to provide generation during storm.</p>
03/03/21 Wall Street Journal	<div data-bbox="275 769 491 813" style="background-color: black; height: 27px; width: 103px;"></div> <div data-bbox="275 842 615 886" style="background-color: black; height: 27px; width: 162px;"></div> <div data-bbox="275 915 466 959" style="background-color: black; height: 27px; width: 91px;"></div>	03 Mar 2021	<p>I am requesting data identifying which generators were offline, including the timing and reasoning for their outages, during the entirety of the EEA 3 event in February.</p>
03/03/21 NBC 5 KXAS-TV	Scott Friedman (NBC 5 KXAS-TV) , <div data-bbox="346 1024 716 1057" style="background-color: black; height: 20px; width: 176px;"></div> <div data-bbox="275 1086 476 1130" style="background-color: black; height: 27px; width: 96px;"></div> NBC5 KXAS-TV	03 Mar 2021	<p>Any records detailing all terms of any termination agreement / separation agreement / settlement or revised employment agreement offered to ERCOT CEO Bill Magness in conjunction with the ERCOT Board of Directors decision on March 3, 2021 to exercise the 60 day termination clause in his contract.</p>

Title	Requestor	Date Received	Summary of Request
03/05/21 Fort Worth Star-Telegram	Eleanor Dearman, [REDACTED], [REDACTED]	05 Mar 2021	<p>Hello, I hope this message finds you well. I respectfully request the following records, pursuant to Title 16, Rule 25.362 (e) of the Texas Administrative Code. Emails or other communications to and from members of ERCOT's board of directors, including former Chair Sally Talberg and former Vice Chair Peter Cramton, and ERCOT's executive team, including Bill Magness, as well as Senior Director Dan Woodfin that contain the following keywords: Cold Weather; Freeze; Freezing; Snow; Electricity; Power Outage; Blackout; Gas; Solar; Wind; Generator Please include current board members, as well as those who have resigned or had their employment terminated since Feb. 14. I am requesting communications from the time period of Feb. 7, 2021 to now. I am not withdrawing my earlier request for similar information under the Public Information Act. This is in addition to that request. I ask that these records be provided in an electronic format and in an expedited fashion given they are in the public interest. I also ask fees be waived. If you have any questions, please let me know by email at [REDACTED] or by phone at [REDACTED]. Thank you for your help with this request. Best, Eleanor Dearman Reporter, Fort Worth Star-Telegram [REDACTED]</p> <p>[REDACTED]</p>

Public - 03/05/21 Patrick Whitaker	Patrick Whitaker  Munck Wilson Mandala	05 Mar 2021	<ol style="list-style-type: none"> 1. The Final 2020-21 winter Season Assessment for Resource Adequacy ERCOT Region had Extreme Peak Load, typical thermal outages Extreme Peak, and 95th percentile forced outages thermal shown in the range of risks. Provide documents with the results and particularly those with a scenario of low wind output. 2. On February 8, 2021 at 17:15, ERCOT issued an OCN for extreme cold approaching on February 11, 2021. Provide the names of all entities to whom the OCN was sent. Provide QSE responses to the OCN. Provide documents showing the expected load and resource capability. 3. ERCOT issued an Advisory for extreme cold on February 10, 2021. Provide a copy of the Advisory. Provide the names of all entities to whom the Advisory was sent. Provide any response from any entity. Provide documentation of the expected load and resource capability for any period for which the Advisory was intended. 4. ERCOT issued a Watch for extreme cold on February 11, 2021. Provide a copy of the Watch. Provide the names of all entities to whom the Watch was sent. Provide any response from any entity. Provide documentation of the expected load and resource capability for any period for which the Watch was intended. 5. ERCOT issued Extreme Emergency for extreme cold on February 13, 2021. Provide a copy of the Extreme Emergency for extreme cold. Provide the names of all entities to whom the Extreme Emergency was sent. Provide any response from any entity. Provide documentation of the expected load and resource capability for any period for which the Extreme Emergency was intended. 6. Documentation of the timeline of events leading to load shed on February 15, 2021. Provide instructions provided to ERCOT Operating Personnel giving guidance prior to the load shed event. 7. Documentation or minutes relating to discussions involving ERCOT, about the possibility of or procedures for rolling blackouts at any time from
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		<p>February 8 to February 15, 2021, including between members of the PUCT or elected officials. Provide responses from those discussions.</p> <p>8. Copies of any advance notice to the public stating the possibility of rolling blackouts.</p> <p>9. The conservation alert posted on the ERCOT web site and the time it was posted.</p> <p>10. The public appeal distributed to the news media and the time it was distributed.</p> <p>11. A list of the generating units that initially tripped off-line, to include when they tripped, and the reason given for the trip.</p> <p>12. Any request by ERCOT for extra generation to be placed on-line prior to the event and provide those responses from generating entities to whom the request was given.</p> <p>13. Documentation of the requests by generating entities for units on scheduled outage during the period of February 14 - February 20, 2021. The documentation should show when the request was given to ERCOT, and when approval was given. Provide any request by ERCOT for any unit which was on scheduled outage during this period to return to service.</p> <p>14. Emergency Operations Plan for every Generation Resource operating in ERCOT as per NPRR 473.</p> <p>15. The Weatherization Plan for every Generation Resource operating in ERCOT as per NPRR 473.</p> <p>16. The Declaration of Completion of Generation Resource Weatherization Preparation from every Generation Resource as it was provided to ERCOT in the period November 1, 2020 - December 1, 2020 as required in NPRR 473.</p> <p>17. The 7-day system load forecast as documented on February 7, 2021.</p>
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Title	Requestor	Date Received	Summary of Request
			<p>18. The 7-day system load forecast as documented on February 10, 2021.</p> <p>19. The 7-day system load forecast as documented on February 14, 2021.</p> <p>20. The 7-day system generation forecast as documented on February 7, 2021.</p> <p>21. The 7-day system generation forecast as documented on February 10, 2021.</p> <p>22. The 7-day system generation forecast as documented on February 14, 2021.</p> <p>23. A screen shot of the Real-Time System Conditions at the beginning of each hour (24 screen shots per day) for the period February 7 - February 21, 2021.</p> <p>24. Any documented communications with FERC during the period from February 7 - February 23, 2021. 25. Any documented communications with NERC during the period from February 7 -February 23, 2021.</p>

Title	Requestor	Date Received	Summary of Request
Public - 03/08/21 Lawrence Bowman	Lawrence Bowman 	08 Mar 2021	<p>(1) Any and all documents leading up to and relating to the December 1989 extreme winter weather event in Texas, which resulted, in part, in the failure of the state's power generators; (2) any and all documents leading up to and relating to the February 2011 extreme winter weather even in Texas, which resulted, in part, in the failure of the state's power generators; (3) any and all documents leading up to and relating to the February 2021 extreme winter weather event in Texas, which resulted, in part, in the failure of the state's power generators; (4) all reports and recommendations to energy producers as a result of the December 1989, February 2011, and February 2021 extreme winter weather events in Texas to upgrade or winterize electricity equipment; and (5) all communications with third parties concerning the exposure of Texas's electrical system to extremely cold weather, such as the December 1989, February 2011, and February 2021 winter weather events in Texas.</p>
03/09/21 Houston Chronicle 3	Taylor Goldenstein Houston Chronicle 	09 Mar 2021	<p>Everything requested by the Committee on Oversight reform. See here: https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-03-03-Khanna%20to%20ERCOT%20re%20Winter%20Storms%20in%20Texas.pdf I'm aware certain things are subject to House discovery (esp if subpoenaed) that would not be subject to TPIA, but I'd like to request everything if possible, and I'm happy to hear why certain pieces may be exempt if you cite the exemption. Thanks for your time, Taylor</p>