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PUC DOCKET NO. 52710

**COMPLIANCE FILING FOR DOCKET § PUBLIC UTILITY COMMISSION
NO. 52322 (APPLICATION OF §
ELECTRIC RELIABILITY COUNCIL §
OF TEXAS, INC. FOR A DEBT § OF TEXAS
OBLIGATION ORDER PURSUANT TO §
CHAPTER 39, SUBCHAPTER N, OF §
THE PUBLIC UTILITY §
REGULATORY ACT) §**

**ELECTRIC RELIABILITY COUNCIL OF TEXAS, INC.'S
QUARTERLY TRUE-UP COMPLIANCE FILING AND
NOTICE OF UPLIFT CHARGE ADJUSTMENT**

JUNE 15, 2023

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
Petition	2
Attachment 1 – True Up Calculation	8
Attachment 2 – Supporting Affidavit.....	9
Workpapers	10

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**ELECTRIC RELIABILITY COUNCIL OF TEXAS, INC.'S
QUARTERLY TRUE-UP COMPLIANCE FILING AND NOTICE OF UPLIFT CHARGE
ADJUSTMENT**

Pursuant to the Debt Obligation Order adopted by the Public Utility Commission of Texas (the Commission) in Docket No. 52322¹ (hereinafter, the Debt Obligation Order), Electric Reliability Council of Texas, Inc. (ERCOT), as the servicer of the bonds issued under Subchapter N of Chapter 39 of the Public Utility Regulatory Act (the Servicer), hereby submits its June 2023 quarterly true-up filing and notice of Uplift Charge adjustment (True-Up Filing). In support of this True-Up Filing, the Servicer respectfully shows as follows:

I. Background

On July 16, 2021, ERCOT filed an application for a debt obligation order from the Commission under Subchapter N of Chapter 39 of the Public Utility Regulatory Act (PURA) to securitize extraordinary costs incurred due to Winter Storm Uri. That proceeding was assigned Docket No. 52322. On October 13, 2021, the Commission issued a Debt Obligation Order that authorized the issuance of the debt obligations in an aggregate amount of up to \$2.1 billion (the Uplift Balance), plus upfront costs, and approved the assessment of

¹ Application of the Electric Reliability Council of Texas, Inc. for a Debt Obligation Order Pursuant to Chapter 39, Subchapter N, of the Public Utility Regulatory Act, Docket No. 52322, Final Debt Obligation Order, Findings of Fact Nos. 194 - 200 and Ordering Paragraphs Nos. 66 and 97 (Oct. 13, 2021) [hereinafter, the Debt Obligation Order].

Uplift Charges to all qualified scheduling entities (QSEs) representing load-serving entities (except those expressly exempted by PURA) in an amount sufficient to ensure the recovery of amounts expected to be necessary to timely provide all payments of debt service and other required amounts and charges in connection with the issuance of the debt obligations.² In accordance with the Debt Obligation Order, Texas Electric Market Stabilization N Funding LLC (the Issuer) issued on June 15, 2022, the Texas Stabilization N Bonds, Series 2022 (the Stabilization N Bonds) in an aggregate principal amount of \$2,115,700,000.00. The Servicer began billing Uplift Charges, consistent with the requirements of the Debt Obligation Order, in August 2022. As Servicer for the Issuer, ERCOT bills, collects, receives, and adjusts the Uplift Charges imposed pursuant to the Uplift Property Servicing Agreement (the Servicing Agreement) that was entered into between the Issuer and the Servicer, dated June 15, 2022. The Servicer remits Uplift Charges received to the Indenture Trustee to repay the Stabilization N Bonds. The Debt Obligation Order, ERCOT Protocols, and the Servicing Agreement set out the terms and conditions under which the Uplift Charges will be billed and collected with respect to the Stabilization N Bonds.

The Debt Obligation Order requires the Servicer to review and adjust Uplift Charges to correct for any under-collections or over-collections from the preceding true-up period, to estimate any anticipated under-collections or over-collections for the current or upcoming true-up period and to ensure the expected recovery of amounts sufficient to provide all payments of debt service.³ True-up adjustments are based on cumulative differences, regardless of the reason, between the periodic payment requirements and the amount of

² Any capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Debt Obligation Order.

³ The Debt Obligation Order, Findings of Fact Nos. 194 - 200 and Ordering Paragraphs Nos. 66 and 97.

Uplift Charge remittances made to the Indenture Trustee by the Servicer. In accordance with the Debt Obligation Order, the Servicer is providing this quarterly calculation and notice of adjustment.⁴

This True-Up Filing reflects a need to decrease the daily Uplift Charges. The decrease of \$15,410 is primarily attributable to interest earned on the general and capital subaccounts during the immediately prior true-up period. Additionally, ERCOT notes that consistent with the Commission's Order, dated April 27, 2023, in PUC Project No. 53710, ERCOT transferred \$823.75 to the general subaccount on May 10, 2023.⁵ This amount further contributes to the need to decrease the daily Uplift Charges. Therefore, as shown in Attachment 1 and the accompanying Work Papers to this True-Up Filing, the daily Uplift Charges should be decreased, effective August 1, 2023, from \$399,517 to \$384,107.

II. Purpose of Filing and Jurisdiction

The Servicer is submitting its quarterly True-Up Filing in accordance with the Debt Obligation Order, Findings of Fact Nos. 196-197 & 200 and Ordering Paragraph No. 66. The Commission has jurisdiction over true-up calculations and adjustments pursuant to PURA § 39.653.

III. Notice

In accordance with Section 4.01(e)(i)(B) of the Servicing Agreement, a copy of this True-Up Filing is being sent to the following parties:

⁴ *Id.* at Findings of Fact Nos. 196-97 & 200 and Ordering Paragraph No. 66.

⁵ PUC Project No. 53710, *Project to Monitor Distribution and Usage of PURA Chapter 39, Subchapter N Proceeds*, ERCOT's Compliance Report (May 11, 2023).

Texas Electric Market Stabilization Funding N
LLC:

Texas Electric Market Stabilization Funding N
LLC
8000 Metropolis Drive (Building E), Suite 100
Austin, Texas 78744

Attn: Chief Executive Officer

U.S. Bank Trust Company, National Association:

U.S. Bank Trust Company, National Association
190 S. LaSalle Street, 7th Floor
Chicago, Illinois 60603

Attn: Corporate Trust Services-TX Stabilization
N Bonds

IV. Quarterly Calculation & True-Up Adjustment

Findings of Fact Nos. 194-200 of the Debt Obligation Order set forth the procedures related to mandatory quarterly true-up calculations and true-up adjustments. Finding of Fact No. 197 and Ordering Paragraph 33 of the Debt Obligation Order require the Servicer to provide a quarterly true-up calculation (the Quarterly Calculation) each quarter following the closing of the Stabilization N Bonds. If the Quarterly Calculation projects over-collections or under-collections of the Uplift Charges from the preceding true-up period or estimated anticipated under-collections or over-collections of the Uplift Charges for the current or upcoming true-up periods, the Servicer must implement a true-up adjustment in accordance with the standard true-up procedure.

The Quarterly Calculation requires the Servicer to (i) calculate under-collections or over-collections for the preceding true-up period by subtracting the previous period's Uplift Charge revenues collected from the periodic billing requirement determined for the same period; (ii) estimate any anticipated under-collections or overcollections for the current or upcoming true-up period; (iii) calculate the periodic billing requirement for the upcoming true-up period, taking into account the total amount of prior and anticipated over-collection and under-collection

amounts described in steps (i) and (ii) above, and calculate the daily amortization amount for the periodic billing requirement; and (iv) assess the updated daily amortization amount to each QSE in accordance with the Uplift Charges assessment methodology.⁶ The required Quarterly Calculation is provided on Attachment 1 and the accompanying Work Papers and results in a slight decrease of the daily Uplift Charges from \$399,517 to \$384,107.

V. Timing of Quarterly Calculation and Effective Date of True-Up Adjustment

The Servicer is required to provide the Quarterly Calculation on a quarterly basis following the closing date of the Stabilization N Bonds, which occurred on June 15, 2022. Therefore, this Quarterly Calculation is timely filed.

In addition to filing the Quarterly Calculation, the Servicer is required to file notice regarding quarterly true-up adjustments with the Commission not less than forty-five (45) days prior to the first billing cycle of the month in which the revised Uplift Charges shall come into effect.⁷ The Servicer proposes an effective date of the revised Uplift Charges to be the August 2023 billing period. In accordance with Finding of Fact No. 205 of the Debt Obligation Order, the Commission has fifteen (15) days after the date of this filing to confirm the true-up adjustment complies with PURA and the Debt Obligation Order. Any true-up adjustment filed with the Commission is effective on its proposed effective date, which will not be less than fifteen (15) days after filing. Any necessary corrections to the adjusted Uplift Charge due to mathematical errors in the calculation of the Uplift Charge will be made in future true-up adjustments.

⁶ *Id.* at Finding of Fact No. 200a.

⁷ Servicing Agreement at Section 4.01(e)(i)(A).

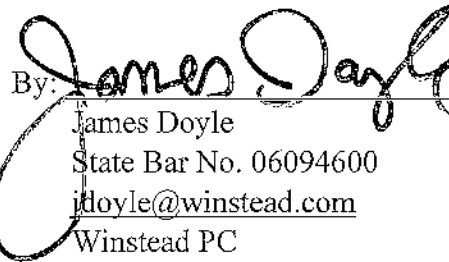
VI. Conclusion and Prayer

Based on the foregoing, the Servicer respectfully requests that the Commission or another Presiding Officer with delegated authority issue an order confirming this True-Up Filing complies with PURA and the Debt Obligation Order.

Respectfully submitted,

WINSTEAD PC

By:

A handwritten signature in black ink that reads "James Doyle". The signature is written in a cursive style and is positioned above a horizontal line. The word "By:" is printed to the left of the signature.

James Doyle

State Bar No. 06094600

jdoyle@winstead.com

Winstead PC

600 Travis Street, Suite 5200

Houston, Texas 77002

Telephone: (713) 650-8400

Facsimile: (713) 650-2400

ATTORNEY FOR ERCOT

Attachment 1
Quarterly True Up

For the prior true-up period March 01, 2023 through May 31, 2023	Amounts
Beginning Excess Subaccount Balance ⁸	\$1,090,109
Ending Excess Subaccount Balance	\$1,090,109
INFLOWS	
Periodic billing requirements for the above true-up period	\$36,356,047
Amounts transferred to Trust through May 31, 2023 ^{9,10}	\$36,534,337
Interest Earnings on Subaccounts through May 31, 2023	\$511,993
For the current true-up period June 1, 2023 through August 31, 2023	
Periodic billing requirement for the above true-up period	\$36,677,371
Anticipated funds to be transferred to Trust through Aug 31, 2023	\$37,155,081
For the upcoming true-up period September 1, 2023 through November 30, 2023	
Periodic billing requirements for the above true-up period	\$34,953,737
Anticipated funds to be transferred to Trust through November 31, 2023	\$36,356,047
Total Inflows	\$111,135,574
OUTFLOWS	
Anticipated outflow on August 1, 2023 payment date	\$72,201,940
Projected Net (Shortfall)/Surplus	
Daily Uplift Charges commencing August 1, 2023 ¹¹	\$384,107
Current Daily Uplift Charges	\$399,517
True Up Increase/(Decrease)	(\$15,410)

⁸ This amount does not include \$11,586,459 transferred to Trustee from February 1, 2023 through February 28, 2023 or \$26,509 of interest earned on the General Subaccount in February 2023.

⁹ Through the May 31, 2023 periodic billing the Servicer has collected all Uplift Charges billed.

¹⁰ This amount includes \$823.75 that was transferred into the General Subaccount on May 10, 2023 per the Commission's Order, dated April 27, 2023, in PUCT Project No. 53710. The \$823.75 was subchapter N securitization proceeds associated with a Load Serving Entity that did not file a required verification of exposure.

¹¹ Servicing Agreement Section 4.01(e)(i)(A) requires notices to the Commission of not less than 45 days before an increase takes effect.

**ATTACHMENT 2
SUPPORTING AFFIDAVIT**

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned notary public, on this day personally appeared Sean Taylor, who first being duly sworn, upon this oath said:

1. My name is Sean Taylor. I am over the age of 21, a resident of Texas, and of sound mind and competent to testify to the matters stated herein. I am the Vice President and Chief Financial Officer for Electric Reliability Council of Texas, Inc., authorized to represent Electric Reliability Council of Texas, Inc.
2. I have reviewed the Quarterly Truc-Up Compliance Filing and Notice of Uplift Charge Adjustment, and the statements and information therein are true and accurate to the best of my knowledge and belief, and I hereby adopt them as my own.


The foregoing statements are true and correct. This concludes my affidavit.

Sean Taylor
Signature: 20230614 11:07:21 AM

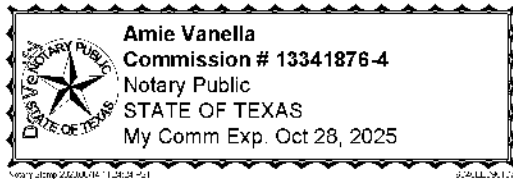
SEAN TAYLOR

06/14/2023

SUBSCRIBED AND SWORN BEFORE ME by the said Sean Taylor on this 14th day of June 2023.



Notary Public for the State of Texas



Notarial act performed by audio-visual communication



STABILIZATION N BONDS WORKPAPERS

AMOUNTS TRANSFERRED TO TRUST THROUGH MAY 31, 2023

	<u>Amount Transferred</u>	<u>Interest Earned on Capital Subaccount</u>	<u>Interest Earned on Excess Subaccount¹²</u>	<u>Interest Earned on General Subaccount</u>
MAR	\$13,236,593	\$40,465	\$0	\$76,742
APR	\$11,256,152	\$39,368	\$0	\$125,136
MAY	\$12,041,592	\$42,255	\$0	\$188,027
TOTAL	\$36,534,337	\$122,088	\$0	\$389,905
			Total Interest	\$511,993
			Total Inflows	\$37,046,330

**AMOUNTS ANTICIPATED TO BE TRANSFERRED TO TRUST
THROUGH NOVEMBER 30, 2023**

	<u>Amount Anticipated to be Transferred</u>
JUN	\$12,385,027
JULY	\$12,385,027
AUG	\$12,385,027
TOTAL	\$37,155,081

	<u>Amount Anticipated to be Transferred</u>
SEPT	\$11,585,993
OCT	\$12,784,544
NOV	\$11,985,510
TOTAL	\$36,356,047

¹² The zero in this column is misleading. As a result of oversight, the Trustee failed to segregate the money representing Excess Funds from the funds in the General Account. As a result, the Excess Funds resided in the General Account during this True-Up Period and accrued interest at the same rate those funds would have accrued interest had they been segregated into the Excess Subaccount. Had the segregation occurred the Total Interest amount would have been the same.