|  |  |  |  |
| --- | --- | --- | --- |
| NPRR Number | [1199](https://www.ercot.com/mktrules/issues/NPRR1199) | NPRR Title | Implementation of Lone Star Infrastructure Protection Act (LSIPA) Requirements |
| Date of Decision | | February 27, 2024 | |
| Action | | Recommended Approval | |
| Timeline | | Urgent - to align the Protocols with new requirements within the Lone Star Infrastructure Protection Act (LSIPA) as quickly as possible. | |
| Estimated Impacts | | Cost/Budgetary: None  Project Duration: No project required | |
| Proposed Effective Date | | The first of the month following Public Utility Commission of Texas (PUCT) approval | |
| Priority and Rank Assigned | | Not applicable | |
| Nodal Protocol Sections Requiring Revision | | 1.3.2.1, Items Considered ERCOT Critical Energy Infrastructure Information  2.1, Definitions  2.2, Acronyms and Abbreviations  16.1.3, Market Participant Citizenship, Ownership, or Headquarters  16.1.4, Market Participant Reporting of Critical Electric Grid Equipment and Services-Related Purchase (new)  23, Form Q, Attestation Regarding Market Participant Citizenship, Ownership, or Headquarters  23, Form S, Reporting and Attestation Regarding Purchase of Critical Electric Grid Equipment (CEGE) and Critical Electric Grid Services (CEGS) from a Lone Star Infrastructure Protection Act (LSIPA) Designated Company or LSIPA Designated Country (new) | |
| Related Documents Requiring Revision/Related Revision Requests | | None | |
| Revision Description | | This Nodal Protocol Revision Request (NPRR) revises the Protocols to reflect new requirements added to the LSIPA as part of Senate Bill (SB) 2013 during the 88th regular legislative session.  Specifically, this NPRR makes the following changes to the Protocols:   * Adds definitions of “Critical Electric Grid Equipment (CEGE),” “Critical Electric Grid Services (CEGS),” “Lone Star Infrastructure Protection Act (LSIPA) Affiliate,” “Lone Star Infrastructure Protection Act (LSIPA) Designated Company,” and “Lone Star Infrastructure Protection Act (LSIPA) Designated Country” to Section 2.1; * Amends the definitions of “Affiliate” and “ERCOT System Infrastructure” in Section 2.1; * Amends paragraph (3) to Section 16.1.3 to incorporate a new knowledge standard for that attestation; * Adds paragraph (5) to Section 16.1.3, reflecting ERCOT’s statutory authorization, established in SB 2013, to immediately suspend or terminate a Market Participant’s registration or access to any of ERCOT’s systems if ERCOT has a reasonable suspicion that the Entity meets any of the criteria described by Section 2274.0102(a)(2), Government Code, as added by Chapter 975 (S.B. 2116), Acts of the 87th Legislature, Regular Session, 2021; * Adds Section 16.1.4, establishing new reporting and attestation requirements for CEGE and CEGS purchases by Market Participants and entities that seek to register as Market Participants; * Amends Section 23 to add Form S, which shall be used by Market Participants and applicants for Market Participant registration to comply with the reporting and attestation requirements in Section 16.1.4; * Updates Section 16.1.3 and Section 23, Form Q using the new defined terms and knowledge standard, where appropriate; and * Amends Section 1.3.2.1 to provide that certain information submitted on Form S shall constitute ERCOT Critical Energy Infrastructure Information (ECEII) under the Protocols.   ERCOT welcomes comments from Market Participants on the requirements proposed in this NPRR. ERCOT is aware that some Market Participants may have obligations under the North American Electric Reliability Corporation’s (NERC’s) Critical Infrastructure Protection (CIP) standards. ERCOT has evaluated options for incorporating NERC definitions in the Protocols in order to identify the types of critical grid equipment for which purchase of equipment and services must be reported. At this time, ERCOT has decided not to adopt NERC terms in this NPRR, although the NPRR incorporates language from NERC’s definition of “Bulk Electric System (BES) Cyber Asset” into the proposed definition of CEGE. ERCOT has determined that the use of NERC terms is generally not an effective solution for this NPRR due to (1) the different regulatory objectives of LSIPA and NERC CIP and (2) certain disparities between the definitions used in the ERCOT Protocols and NERC CIP. However, ERCOT will gladly review and consider any Market Participant comments recommending the incorporation of language that is based on NERC CIP or other industry standards for critical grid infrastructure protection. | |
| Reason for Revision | | [Strategic Plan](https://www.ercot.com/files/docs/2023/08/25/ERCOT-Strategic-Plan-2024-2028.pdf) Objective 1 – Be an industry leader for grid reliability and resilience  [Strategic Plan](https://www.ercot.com/files/docs/2023/08/25/ERCOT-Strategic-Plan-2024-2028.pdf) Objective 2 - Enhance the ERCOT region’s economic competitiveness with respect to trends in wholesale power rates and retail electricity prices to consumers  [Strategic Plan](https://www.ercot.com/files/docs/2023/08/25/ERCOT-Strategic-Plan-2024-2028.pdf) Objective 3 - Advance ERCOT, Inc. as an independent leading industry expert and an employer of choice by fostering innovation, investing in our people, and emphasizing the importance of our mission  General system and/or process improvement(s)  Regulatory requirements  ERCOT Board/PUCT Directive  *(please select ONLY ONE – if more than one apply, please select the ONE that is most relevant)* | |
| Justification of Reason for Revision and Market Impacts | | This NPRR is needed to implement legislative requirements established in SB 2013, which amended the LSIPA to add new reporting and attestation obligations aimed at ensuring that ERCOT Market Participants do not procure critical electric grid equipment or services that would allow access to or control of critical electric grid equipment by citizens of or businesses associated with the countries of China, Iran, Russia, North Korea, and any other country designated by the Governor as a threat to critical infrastructure. This NPRR supports the security of the ERCOT grid. | |
| PRS Decision | | On 10/12/23, PRS voted unanimously to table NPRR1199. All Market Segments participated in the vote.  On 2/8/24, PRS voted to grant NPRR1199 Urgent status; to recommend approval of NPRR1199 as amended by the 2/7/24 LCRA comments as revised by PRS; and to forward to TAC NPRR1199 and the 9/6/23 Impact Analysis. There was one opposing vote from the Independent Power Marketer (IPM) (Tenaska) Market Segment and one abstention from the Independent Generator (Jupiter Power) Market Segment. All Market Segments participated in the vote. | |
| Summary of PRS Discussion | | On 10/12/23, ERCOT Staff provided an overview of NPRR1199 and noted an upcoming NPRR1199 workshop scheduled for additional stakeholder discussion.  On 2/8/24, participants reviewed the 2/7/24 LCRA comments and proposed an edit to Section 16.1.4. Opponents reiterated their concerns that they may be unable to properly assess their impacted equipment and attest to its security from LSIPA Designated Country and/or LSIPA Designated Company control, as required by the LSIPA and further codified by NPRR1199. | |
| TAC Decision | | On 2/14/24, TAC voted unanimously to recommend approval of NPRR1199 as recommended by PRS in the 2/8/24 PRS Report as amended by the 2/13/24 ERCOT comments. All Market Segments participated in the vote. | |
| Summary of TAC Discussion | | On 2/14/24, there was no additional discussion beyond TAC review of the items below. | |
| TAC Review/Justification of Recommendation | | Revision Request ties to Reason for Revision as explained in Justification  Impact Analysis reviewed and impacts are justified as explained in Justification  Opinions were reviewed and discussed  Comments were reviewed and discussed (if applicable)  Other: (explain) | |
| ERCOT Board Decision | | On 2/27/24, the ERCOT Board voted unanimously to recommend approval of NPRR1199 as recommended by TAC in the 2/14/24 TAC Report. | |

|  |  |
| --- | --- |
| **Opinions** | |
| Credit Review | ERCOT Credit Staff and the Credit Finance Sub Group (CFSG) have reviewed NPRR1199 and do not believe that it requires changes to credit monitoring activity or the calculation of liability. |
| Independent Market Monitor Opinion | IMM has no opinion on NPRR1199. |
| ERCOT Opinion | ERCOT supports approval of NPRR1199. |
| ERCOT Market Impact Statement | ERCOT Staff has reviewed NPRR1199 and believes the market impact for NPRR1199 provides sufficient compromise between stakeholders and ERCOT regarding the incorporation of the LSIPA into the Protocols. |

|  |  |
| --- | --- |
| Sponsor | |
| Name | Doug Fohn / Holly Heinrich |
| E-mail Address | [douglas.fohn@ercot.com](mailto:douglas.fohn@ercot.com) / [holly.heinrich@ercot.com](mailto:holly.heinrich@ercot.com) |
| Company | ERCOT |
| Phone Number | 512-275-7447 / 512-275-7436 |
| Cell Number |  |
| Market Segment | Not applicable |

|  |  |
| --- | --- |
| **Market Rules Staff Contact** | |
| **Name** | Cory Phillips |
| **E-Mail Address** | [cory.phillips@ercot.com](mailto:cory.phillips@ercot.com) |
| **Phone Number** | 512-248-6464 |

|  |  |
| --- | --- |
| **Comments Received** | |
| Comment Author | **Comment Summary** |
| Calpine 101723 | Expressed concerns with NPRR1199 as submitted, and proposed that the definitions of “Critical Electric Grid Equipment” contain an exhaustive list of such equipment and “Critical Electric Grid Services” contain an exhaustive list of such vendors |
| Priority Power 102123 | Provided additional edits to the 10/17/23 Calpine comments to exclude Load Resources and ESR Load from the definition of “ERCOT System Infrastructure” |
| Plus Power 102323 | Proposed additional edits to the 10/21/23 Priority Power comments to correct statutory references and provide an additional attestation to Section 23, Form R |
| TAEBA 110723 | Expressed concerns with NPRR1199 as submitted, and proposed that the definitions of “Critical Electric Grid Equipment” contain an exhaustive list of such equipment and “Critical Electric Grid Services” contain an exhaustive list of such vendors, and that reporting of prior purchases should be limited to two years, rather than five years |
| LCRA and CPS Energy 111423 | Provided additional edits to clarify distinct requirements of Market Participants versus those of governmental entities |
| ERCOT 120823 | Responded to the formal comments to NPRR1199 and proposed various compromise edits based on stakeholder comments and the October 24, 2023 NPRR1199 workshop |
| Joint Commenters 120823 | Expressed concerns with NPRR1199 as submitted, and proposed various edits, including replacement of the term “procurement” with “purchase” throughout NPRR1199, the introduction of a new defined term, “LSIPA Affiliate” |
| Oncor 121123 | Express support for the 12/8/23 Joint Commenters comments |
| ERCOT 010524 | Responded to the formal comments to NPRR1199 and proposed various compromise edits to the 12/8/23 ERCOT comments based on continued stakeholder feedback |
| CPS Energy 020124 | Proposed additional edits to the 1/5/24 ERCOT comments further modifying the definitions of “Critical Electric Grid Equipment” and “Critical Electric Grid Services” |
| ERCOT 020124 | Restated the request for Urgent status for NPRR1199 and proposed various compromise edits to the 1/5/24 ERCOT comments based on continued stakeholder feedback |
| ERCOT 020724 | Restated the request for Urgent status for NPRR1199 and proposed various compromise edits to the 2/1/24 ERCOT comments based on continued stakeholder feedback |
| LCRA 020724 | Provided additional edits to the 2/7/24 ERCOT comments, restoring language within Section 16.1.4 |
| ERCOT 021324 | Proposed additional edits based on additional stakeholder feedback, clarifying language within Section 16.1.4 and Section 23, Form S, and extending the deadline to report from 60 days to 180 days from the date of purchase |

|  |
| --- |
| **Market Rules Notes** |

Administrative changes to the language were made and authored as “ERCOT Market Rules.”

|  |
| --- |
| Proposed Protocol Language Revision |

**1.3.2.1 Items Considered ERCOT Critical Energy Infrastructure Information**

(1) ECEII includes but is not limited to the following, so long as such information has not been disclosed to the public through lawful means:

(a) Detailed ERCOT System Infrastructure locational information, such as Global Positioning System (GPS) coordinates;

(b) Information that reveals that a specified contingency or fault results in instability, cascading or uncontrolled separation;

(c) Studies and results of simulations that identify cyber and physical security vulnerabilities of ERCOT System Infrastructure;

(d) Black Start Service (BSS) test results, individual Black Start Resource start-up procedures, cranking paths, and ERCOT and individual TSP Black Start plans;

(e) Information contained in Section 1.B. and Exhibit 1 to the Standard Form Black Start Agreement (Section 22, Attachment D, Standard Form Black Start Agreement), except for the Hourly Standby Price, Notice, and Certification sections. This includes, without limitation, the following information that could identify a Generation Resource as a Black Start Resource:

(i) Resource name;

(ii) Resource ID;

(iii) County where the Resource is located;

(iv) Interconnected substation;

(v) Resource MW capability; and

(vi) Tested next start units;

(f) Emergency operations plans, including ERCOT’s emergency operations plan and any emergency operations plan submitted to ERCOT pursuant to any PUCT rule or North American Electric Reliability Corporation (NERC) Reliability Standard;

(g) Detailed ERCOT Transmission Grid maps, other than maps showing only small portions of the ERCOT Transmission Grid such as those included in Regional Planning Group (RPG) Project ERCOT Independent Review reports;

(h) Detailed diagrams or information about connectivity between ERCOT’s and other Entities’ computer and telecommunications systems, such as internet protocol (IP) addresses, media access control (MAC) addresses, network protocols, and ports used; and

(i) Information contained in Section 23, Form S, Reporting and Attestation Regarding Purchase of Critical Electric Grid Equipment (CEGE) and Critical Electric Grid Services (CEGS) from a Lone Star Infrastructure Protection Act (LSIPA) or LSIPA Designated Country, submitted to ERCOT that:

(i) Identifies CEGE and CEGS purchased from an LSIPA Designated Company;

(ii) Describes how such purchase of CEGE or CEGS relates to the operation of the grid;

(iii) Provides an attestation as to whether such purchase of CEGE or CEGS will result in access to or control of CEGE by an LSIPA Designated Company or LSIPA Designated Country; or

(iv) Identifies any measures taken to ensure that the purchase of CEGE or CEGS will not result in access to or control of CEGE by an LSIPA Designated Company or LSIPA Designated Country; and

(j) Any information that is clearly designated as ECEII in writing by the Disclosing Party at the time the information is provided to Receiving Party, subject to the procedures set forth in paragraph (3) of Section 1.3.2.2, Submission of ERCOT Critical Energy Infrastructure Information to ERCOT.

**2.1 DEFINITIONS**

**Affiliate**

(1) An Entity that directly or indirectly owns or holds at least 5% of the voting securities of a Market Participant; or

(2) An Entity in a chain of successive ownership of at least 5% of the voting securities of a Market Participant; or

(3) An Entity that has at least 5% of its voting securities owned or controlled, directly or indirectly, by a Market Participant; or

(4) An Entity that has at least 5% of its voting securities owned or controlled, directly or indirectly, by an Entity who directly or indirectly owns or controls at least 5% of the voting securities of a Market Participant or an Entity in a chain of successive ownership of at least 5% of the voting securities of a Market Participant; or

(5) A person who is an officer or director of a Market Participant or of a corporation in a chain of successive ownership of at least 5% of the voting securities of a Market Participant.

(6) Notwithstanding any part of this definition, any Entity that would be considered an Affiliate due to its participation in a chain of successive ownership of a Market Participant shall not for that reason be considered an Affiliate if:

(a) It does not own 50% or more of the voting securities of any other Entity in the chain; or

(b) Its participation in the chain is only as a successive owner of an Entity in the chain that does not own 50% or more of the voting securities of another Entity in that chain.

(7) Provided that the Entity holding ownership or control of voting securities in a Market Participant does not hold such ownership or control for the purpose of exercising or influencing control of that Market Participant, then for the purposes of that relationship, the term "Entity," as used in this definition, shall not include:

(a) A broker or dealer registered under the Securities Exchange Act of 1934, 15 U.S.C. § 78;

(b) A bank or insurance company as defined under the Securities Exchange Act of 1934, 15 U.S.C. § 78;

(c) An investment adviser registered under state law or the Investment Advisers Act of 1940, 15 U.S.C. §§ 80b1-80b21;

(d) An investment company registered under the Investment Company Act of 1940, 15 U.S.C. §§ 80a1-80a64; or

(e) An employee benefit plan, pension fund, endowment fund, or other similar entity.

(8) ERCOT may request either of the following as conclusive evidence of the purpose required in paragraph (7) above:

(a) An affidavit attesting to that purpose if such affidavit is signed by the Entity owning the securities; or

(b) A report reflecting that purpose filed by the owning entity with the Securities and Exchange Commission.

(9) Notwithstanding any other provision of this Section 2.1, “Affiliate” includes any Entity determined by the Public Utility Commission of Texas (PUCT) to be an Affiliate.(10) The Affiliate of a Lone Star Infrastructure Protection Act (LSIPA) Designated Company shall be determined under the definition of “LSIPA Affiliate.” **Critical Electric Grid Equipment (CEGE)**

(1) Equipment accessible by means of routable connectivity that, as installed, can be used to gain remote access to or control of ERCOT System Infrastructure, the ERCOT Wide Area Network (WAN), or Market Information System (MIS), if such equipment, if destroyed, degraded, misused, or otherwise rendered unavailable would, within 15 minutes or less of its mis-operation, non-operation, or required operation, adversely impact the reliable operation of ERCOT System Infrastructure. Redundancy of affected facilities, systems, and equipment shall not be considered when determining adverse impact.

(2) For Load Resources, this definition only applies to equipment used to send and receive ERCOT telemetry and ERCOT Dispatch Instructions.

(3) For purposes of this definition, “reliable operation of ERCOT System Infrastructure” means operating elements of ERCOT System Infrastructure within equipment and electric system thermal, voltage, and stability limits so that instability, uncontrolled separation, or cascading failures of ERCOT System Infrastructure will not occur as a result of a sudden disturbance, including a cybersecurity incident, or unanticipated failure of system elements.

**Critical Electric Grid Services (CEGS)**

Services and software provided by a vendor for the operation, control, monitoring, maintenance, or use of Critical Electric Grid Equipment (CEGE), excluding access specifically allowed by the purchaser for product warranty or support purposes.

**ERCOT System Infrastructure**

The Transmission Facilities, distribution facilities, Resources, Settlement Only Generators (SOGs), and Emergency Response Service (ERS) Resources that comprise the ERCOT System and the physical and virtual cyber assets used to control the ERCOT System.

**Lone Star Infrastructure Protection Act (LSIPA) Affiliate**

An Entity that, directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the LSIPA Designated Company. For purposes of this definition, “controls,” “controlled by,” or “under common control with” shall mean (1) the ownership of 20 percent or more of the outstanding securities of an Entity or (2) the power of an Entity, directly or indirectly, through one or more intermediaries, to direct the management and/or policies and procedures of another Entity. Ownership by an Entity of equity securities (whether publicly traded or not) of another Entity shall not result in control for purposes of this definition if the holder owns (in its name or via intermediaries) 20 percent or more of the outstanding securities of the Entity, and: (a) the securities are held as a passive investment; (b) the holder does not have representation on the Entity’s board of directors (or equivalent governing body) or vice versa; and (c) the holder does not in fact exercise influence over day-to-day management decisions.

**Lone Star Infrastructure Protection Act (LSIPA) Designated Company**

An Entity (including an LSIPA Affiliate) that meets any of the company ownership or headquarters criteria listed in Texas Business and Commerce Code, Section 117.002(a)(2)(A)-(b)(2)(B) or Texas Government Code Section 2275.0102(a)(2)(A)-(b)(2)(B).

**Lone Star Infrastructure Protection Act (LSIPA) Designated Country**

China, Iran, North Korea, Russia, or a country designated by the Governor as a threat to critical infrastructure pursuant to Texas Business and Commerce Code, Section 117.003 or Texas Government Code, Section 2275.0103.

**2.2 ACRONYMS AND ABBREVIATIONS**

**CEGE** Critical Electric Grid Equipment

**CEGS** Critical Electric Grid Services

**LSIPA** Lone Star Infrastructure Protection Act

***16.1.3 Market Participant Citizenship, Ownership, or Headquarters***

(1) An Entity is not eligible to register or maintain its registration with ERCOT as a Market Participant if the Entity:

(a) Is a person who is a citizen of a Lone Star Infrastructure Protection Act (LSIPA) Designated Country; or

(b) Is an LSIPA Designated Company.

(2) If an Entity meets any of the above listed criteria solely due to the citizenship, ownership, or headquarters of a wholly owned subsidiary, majority-owned subsidiary, or Affiliate, the Entity will be eligible to register as a Market Participant, subject to paragraph (5) below, if it certifies that the subsidiary or Affiliate at issue will not have direct or remote access to or control of ERCOT’s Wide Area Network (WAN), Market Information System (MIS), or any data from such ERCOT systems.

(3) Any Entity that seeks to register as a Market Participant shall submit an attestation as reflected in Section 23, Form Q, Attestation Regarding Market Participant Citizenship, Ownership, or Headquarters, certifying that the Entity complies with the above criteria, to the best of the Entity’s knowledge and belief following reasonable diligence.

(4) If there are changes to a Market Participant’s citizenship, ownership, or headquarters such that the Market Participant meets any of the prohibited company citizenship, ownership (including Affiliations), or headquarters criteria of an LSIPA Designated Company, then the Market Participant shall execute and submit a new attestation to ERCOT within ten Business Days of the change becoming effective.

(5) ERCOT may immediately suspend or terminate a Market Participant’s registration or access to any of ERCOT’s systems if ERCOT has a reasonable suspicion that the Entity meets any of the criteria described by paragraph (1) above or that an Entity has provided access or control to a subsidiary or Affiliate as described by paragraph (2) above.

***16.1.4*** **Market Participant Reporting of Critical Electric Grid Equipment and Services-Related Purchases**

(1) As a condition of registering and maintaining registration with ERCOT as a Market Participant, an Entity shall report to ERCOT the purchase, lease, or receipt (referred to in this Section as a “purchase”) of any Critical Electric Grid Equipment (CEGE) or Critical Electric Grid Services (CEGS) that the Entity knows to be from a Lone Star Infrastructure Protection Act (LSIPA) Designated Company or an LSIPA Designated Country. This includes, but is not limited to, a purchase of CEGE or CEGS that were manufactured, produced, created, or otherwise provided by a company known to the Entity to be an LSIPA Designated Company and subsequently sold to the Entity by a non-LSIPA Designated Company.

(a) As used in this Section 16.1.4 and Section 23, Form S, the terms “knows,” “known,” and “knowledge” refer to the Entity’s actual knowledge or knowledge that the Entity could have obtained through reasonable inquiry with respect to any clearly evident, non-obscure information indicating that the equipment or service was manufactured, produced, created, or otherwise provided by an LSIPA Designated Company.

(b) If the Entity obtains a contractual representation (or either a letter of attestation or a contractual representation if the purchase was made before June 8, 2023) from the seller of CEGE or CEGS that the equipment or services were not manufactured, produced, created, or otherwise provided by an LSIPA Designated Company, then absent some clearly evident, non-obscure information raising such suspicion, this Section 16.1.4 does not require the Entity to conduct diligence or otherwise inquire as to the identity or location of the manufacturer, producer, or creator of the CEGE or CEGS that the Entity purchases or any component parts thereof. For the avoidance of doubt, this subsection does not create or suggest a requirement not otherwise imposed by this Section 16.1.4.

(c) If a Market Participant or an Entity applying for registration purchases CEGE from a non-LSIPA Designated Company and clearly evident, non-obscure information indicates that such equipment has a part or component (which itself has routable connectivity) that originated from an LSIPA Designated Company or LSIPA Designated Country, then such part or component shall be reported using Section 23, Form S, but in Subsections 2(a)-(b) of Form S, the Entity or Market Participant is only required to provide the following information for the part or component:

(i) A general description of the part or component;

(ii) The name of the LSIPA Designated Country from which the part or component originated; and

(iii) The name of the LSIPA Designated Company from which the part or component originated, unless the Market Participant or Entity applying for registration does not actually know the name of the LSIPA Designated Company.

(d) For each reported purchase made after June 8, 2023, the Market Participant or Entity applying for registration shall attest that the purchase will not result in access to or control of CEGE by an LSIPA Designated Company or an LSIPA Designated Country, excluding access specifically allowed by the Market Participant or Entity applying for registration for product warranty and support purposes.

(e) For any purchases made before June 8, 2023, the Market Participant or Entity applying for registration shall take reasonable and necessary actions to mitigate access to or control of its CEGE by a company known to the Entity to be an LSIPA Designated Company or an LSIPA Designated Country, excluding access specifically allowed by the Market Participant or Entity applying for registration for product warranty and support purposes, and shall report those actions to ERCOT on the form reflected in Section 23, Form S.

(2) Market Participants and Entities applying for registration with ERCOT shall submit an initial report and attestation, on the form reflected in Section 23, Form S, Reporting and Attestation Regarding Purchase of Critical Electric Grid Equipment (CEGE) and Critical Electric Grid Services (CEGS) from a Lone Star Infrastructure Protection Act (LSIPA) Designated Company or LSIPA Designated Country, identifying any purchase described in paragraph (1) above that occurred during the following time periods:

(a) For a Market Participant, purchase(s) that were made after June 18, 2021. This initial report and attestation shall be submitted by October 28, 2024;

(b) For a Market Participant, purchase(s) that were made between June 8, 2018 through June 18, 2021. This initial report and attestation shall be submitted by December 15, 2024; and

(c) For an Entity applying for registration with ERCOT, purchase(s) that were made within the five years preceding the date on which the Entity signed the Standard Form Agreement. This initial report and attestation must be submitted before ERCOT may approve registration.

(3) A Market Participant shall submit a report and attestation, on the form reflected in Section 23, Form S, identifying any purchase(s) described in paragraph (1) above that occur after the date(s) of the purchases reported pursuant to paragraph (2) above and that have not already been reported pursuant to this Section.

(4) Reports and attestations submitted pursuant to paragraph (3) above shall be submitted within 180 days of the date of the purchase.

**ERCOT Nodal Protocols**

**Section 23**

**Form Q: Attestation Regarding Market Participant Citizenship, Ownership, or Headquarters**

**TBD**

**Attestation Regarding Market Participant Citizenship, Ownership, or Headquarters**

**Legal Name of Market Participant (Applicant):**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Legal Address of Applicant:**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Applicant DUNS Number:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Check the one box that applies [do not check both boxes]:

1. With respect to the above referenced Applicant, I hereby attest that, to the best of my knowledge and belief following reasonable diligence:

 NONE of the following statements in paragraphs (A) - (D) are TRUE.

 ONE OR MORE of the following statements in paragraphs (A) - (D) are TRUE.

(A) The Applicant, or a wholly-owned subsidiary, majority-owned subsidiary, parent company, or Affiliate of the Applicant, is owned by:

(i) Individuals who are citizens of a Lone Star Infrastructure Protection Act (LSIPA) Designated Country; or

(ii) A company or other entity, including a governmental entity, that is owned or controlled by citizens of or is directly controlled by the government of an LSIPA Designated Country; or

(B) The majority of stock or other ownership interest of the Applicant, or a wholly-owned subsidiary, majority-owned subsidiary, parent company, or Affiliate of the Applicant is held or controlled by:

(i) Individuals who are citizens of an LSIPA Designated Country; or

(ii) A company or other entity, including a governmental entity, that is owned or controlled by citizens of or is directly controlled by the government of an LSIPA Designated Country; or

(C) The Applicant, or a wholly-owned subsidiary, majority-owned subsidiary, parent company, or Affiliate of the Applicant is headquartered in an LSIPA Designated Country; or

(D) The Applicant is a person and is a citizen of an LSIPA Designated Country.

**If you checked the box for “ONE OR MORE of the following statements in paragraphs (A) - (D) are TRUE” solely because a wholly-owned subsidiary, majority-owned subsidiary, or Affiliate meets any of the citizenship or headquarters criteria listed above, then please answer question 2 below.**

2. With respect to the subsidiary or Affiliate at issue and Applicant’s access to ERCOT systems, check the one box that applies [do not check both boxes]:

 The subsidiary or Affiliate will NOT have direct or remote access to or control of ERCOT’s Wide Area Network (WAN), Market Information System (MIS), or any data from such ERCOT systems.

 The subsidiary or Affiliate will have direct or remote access to or control of ERCOT’s WAN, MIS, or any data from such ERCOT systems.

By signing below, I certify that I am authorized to bind the Applicant listed above, that I am authorized to execute and submit this attestation on behalf of Applicant, and that the statements contained herein are true and correct.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

**ERCOT Nodal Protocols**

**Section 23**

**Form S: Reporting and Attestation Regarding Purchase of Critical Electric Grid Equipment (CEGE) and Critical Electric Grid Services (CEGS) from a Lone Star Infrastructure Protection Act (LSIPA) Designated Company or LSIPA Designated Country**

**TBD**

**Reporting and Attestation Regarding Purchase of Critical Electric Grid Equipment (CEGE) and Critical Electric Grid Services (CEGS) from a Lone Star Infrastructure Protection Act (LSIPA) Designated Company** **or LSIPA Designated Country**

This form should be submitted to [LSIPA@ercot.com](mailto:LSIPA@ercot.com) in accordance with the deadlines provided in Section 16.1.4, Market Participant Reporting of Critical Electric Grid Equipment and Services-Related Purchase.

**Legal Name of Applicant or Market Participant:**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Legal Address of Applicant or Market Participant:**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Applicant or Market Participant DUNS Number:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Check the one box that applies [do not check both boxes]:

1. With respect to the above-referenced Applicant or Market Participant, I hereby attest, based on my knowledge as defined in paragraph (1)(a) of Section 16.1.4, that the following statement is either true or not true, as indicated below:

The Market Participant or Applicant has purchased Critical Electric Grid Equipment (CEGE) or Critical Electric Grid Services (CEGS) from an LSIPA Designated Company or LSIPA Designated Country within one of the time periods described in paragraph (2) or (3) of Section 16.1.4.

 The above statement is TRUE.

 The above statement is NOT TRUE.

**If you checked the box for “TRUE” in question 1, then please complete sections 2 and 3 below. Alternatively, if you checked the box for “NOT TRUE” in question 1, but are reporting a part or component of CEGE as provided in paragraph (1)(c) of Section 16.1.4, then please complete sections 2 and 3 below.**

2. **List each purchase of CEGE or CEGS from an LSIPA Designated Company or LSIPA Designated Country that occurred in the time periods described in paragraph (2) or (3) of Section 16.1.4 and has not already been reported to ERCOT under Section 16.1.4.** **For each purchase, please provide:**

**a. A description of the CEGE or CEGS purchased (if reporting a part or component of CEGE as provided in paragraph (1)(c) of Section 16.1.4, a general description may be provided for that part or component):**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**b. The name of the LSIPA Designated Company from which the purchase was made and the LSIPA Designated Country with which it is associated (if reporting a part or component as provided in paragraph (1)(c) of Section 16.1.4 and the Applicant does not actually know the name of the Company from which the part or component originated, then the Applicant may omit the Company name and provide only the LSIPA Designated Country of origin):**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**c. The date on which the purchase was made:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**d. A general description of how each piece of equipment or service relates to the operation of ERCOT System Infrastructure:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**e. For purchases made after June 8, 2023, a description of the measures taken to ensure that the purchase will NOT result in access to or control of CEGE by an LSIPA Designated Company or an LSIPA Designated Country, excluding access allowed by the Applicant or Market Participant for product warranty and support purposes:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**f. For purchases made before June 8, 2023, a description of the reasonable and necessary actions taken to mitigate access to or control of CEGE by an LSIPA Designated Company or an LSIPA Designated Country, excluding access specifically allowed by the Applicant or Market Participant for product warranty and support purposes:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

3. With respect to the purchase at issue:

 I attest that the following purchase(s) described in my response to question 2 above will NOT result in access to or control of CEGE by an LSIPA Designated Company or LSIPA Designated Country, excluding access specifically allowed by the Applicant or Market Participant for product warranty and support purposes:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 I attest that the following purchase(s) described in my response to question 2 above WILL result in access to or control of CEGE by an LSIPA Designated Company or LSIPA Designated Country:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

4. If the Applicant or Market Participant attests that a purchase from an LSIPA Designated Company or an LSIPA Designated Country WILL result in access to or control of CEGE by an LSIPA Designated Company or LSIPA Designated Country, then please describe the access to or control of CEGE that was created by the purchase. Please also list any actions the Applicant or Market Participant has taken to mitigate the risks associated with such access or control:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

By signing below, I certify that I am authorized to bind the Applicant or Market Participant listed above, that I am authorized to execute and submit this attestation on behalf of such Applicant or Market Participant, and that the statements contained herein are true and correct.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date