|  |  |  |  |
| --- | --- | --- | --- |
| PGRR Number | [125](https://www.ercot.com/mktrules/issues/PGRR125) | PGRR Title | Update of LSIPA Compliance Attestation |

|  |  |
| --- | --- |
| Date | April 29, 2025 |

|  |  |
| --- | --- |
| Submitter’s Information | |
| Name | Doug Fohn |
| E-mail Address | [Douglas.Fohn@ercot.com](mailto:Douglas.Fohn@ercot.com) |
| Company | ERCOT |
| Phone Number | 512-275-7447 |
| Cell Number |  |
| Market Segment | Not applicable |

|  |
| --- |
| Comments |

ERCOT submits these comments to request that Planning Guide Revision Request (PGRR) 125 be granted urgent status and to revise PGRR125 to update certain statutory references and clarify Affiliate language.

ERCOT has recently been made aware that several potential Interconnecting Entities (IEs) have been prevented from initiating the interconnection process due to Section 8, Attachment D, Attestation Regarding Compliance with the Lone Star Infrastructure Protection Act, lacking an option for an Entity to specify that its Affiliate(s) meeting the citizenship, ownership, or headquarter criteria under the Lone Star Infrastructure Protection Act (LSIPA) will not have access to the project, ERCOT’s systems, or confidential data. ERCOT is requesting urgent status for PGRR125 to avoid further delay of the development of new generation within ERCOT relating to Attachment D. This change will align Attachment D with a similar LSIPA attestation used for Market Participant registration (Protocol Section 23, Form Q, Attestation Regarding Market Participant Citizenship, Ownership, or Headquarters). Granting PGRR125 urgent status would allow the revised Attachment D to become effective as quickly as August 1, 2025. If PGRR125 was to proceed on a normal timeline, December 1, 2025 would be the soonest the revisions would become effective. Urgent status would allow for more projects to begin the interconnection process four months sooner than if PGRR125 was to proceed without urgency.

Additionally, ERCOT proposes edits to PGRR125 updating the statutory references and clarify Affiliate language in Section 5.2.2, Initiation of Generator Interconnection or Modification and Section 5.2.4, Duty to Update Project Information and Respond to ERCOT and TDSP Requests for Information.

|  |
| --- |
| Revised Cover Page Language |

|  |  |
| --- | --- |
| Requested Resolution | Urgent – To avoid further delay of the development of new generation within ERCOT relating to Section 8, Attachment D, Attestation Regarding Compliance with the Lone Star Infrastructure Protection Act, lacking an option for an Entity to specify that its Affiliate(s) meeting the citizenship, ownership, or headquarter criteria under the Lone Star Infrastructure Protection Act (LSIPA) will not have access to the project, ERCOT’s systems, or confidential data. |

|  |
| --- |
| Revised Proposed Guide Language |

***5.2.2 Initiation of Generator Interconnection or Modification***

(1) Any Entity subject to paragraph (1) of Section 5.2.1, Applicability, must initiate a Generator Interconnection or Modification (GIM) by submitting a completed request and providing all requested information and documentation through the online Resource Integration and Ongoing Operations (RIOO) system and paying the Generation Interconnection Fee described in the ERCOT Fee Schedule in the ERCOT Protocols.

(2) An Entity is not eligible to initiate or maintain a GIM if the Entity or any other owner of the project or Affiliate thereof meets any of the company ownership or headquarters criteria listed in Texas Business and Commerce Code, Sections 117.002(a)(2)(A)-(b)(2)(B) or Texas Government Code, Sections 2275.0102(a)(2)(A)-(b)(2)(B), added by Act of June 18, 2021, 87th Leg., R.S., Ch. 975 (S.B. 2116), redesignated by Act of September 1, 2023, 88th Leg. R.S. Ch. 786 (H.B. 4595). Any Entity that seeks to initiate a GIM shall submit an attestation Section 8, Attachment D, Attestation Regarding Compliance with the Lone Star Infrastructure Protection Act, confirming that the Entity or its Affiliates do not meet any of the company ownership or headquarters criteria listed in Texas Business and Commerce Code, Sections 117.002(a)(2)(A)-(b)(2)(B) or Texas Government Code, Sections 2275.0102(a)(2)(A)-(b)(2)(B), redesignated by Act of September 1, 2023, 88th Leg. R.S. Ch. 786 (H.B. 4595).

(3) An Entity is not eligible to initiate or maintain a GIM if the real property to be utilized by or for the project is owned or controlled, in whole or in part, by an Entity or Affiliate thereof that meets any of the prohibited company ownership or headquarters criteria identified in the Lone Star Infrastructure Protection Act, Texas Business and Commerce Code, Sections 117**.**002(a)(2)(A)-(b)(2)(B) or Texas Government Code, Sections 2275.0102(a)(2)(A)-(b)(2)(B), added by Act of June 18, 2021, 87th Leg., R.S., Ch. 975 (S.B. 2116), redesignated by Act of September 1, 2023, 88th Leg. R.S. Ch. 786 (H.B. 4595). The Interconnecting Entity (IE) must provide an attestation Section 8, Attachment D, confirming that such prohibited ownership or control does not apply to the real property.

(4) If an Entity, project owner, owner of real property, or Affiliate of the Entity, project owner, or owner of real property meets any of the above listed prohibited criteria described in paragraphs (2) or (3) above solely due to the citizenship, ownership or headquarters of a wholly owned subsidiary, majority-owned subsidiary, or Affiliate, of any Entity, an Entity will be eligible to initiate or maintain a GIM, 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 the project, the real property utilized by the project, RIOO, the Market Information System (MIS), other ERCOT systems, or any confidential data from such systems.

(5) ERCOT may immediately suspend or terminate an Entity’s GIM, access to RIOO, or access to any of ERCOT’s other systems if ERCOT has a reasonable suspicion that the Entity or project violated any of the prohibitions described by paragraphs (2) or (3) above.

(6) For the purposes of submitting a GIM:

(a) MW values should be determined at the generator terminals;

(b) If generation is serving new or existing Load then this must be identified in the RIOO request; and

(c) The latitude, longitude, and county are those of the station that includes the main power transformer for the subject facility.

(d) Failure to supply any required data may delay ERCOT processing of the interconnection application and studies and result in project cancellation.

(7) Payment of the Generation Interconnection Fee and all other related fees payable to ERCOT must be made using an Automated Clearing House (ACH) e-check or credit card via the RIOO system. This fee is non-refundable and must be paid even if ERCOT waives the Security Screening Study described in Section 5.3.1, Security Screening Study, or cancels the project due to failure to submit complete project information. The fee must be paid for each additional interconnection request (INR) even if a fee has previously been paid for another INR associated with the same generator.

(8) Upon receiving the application, ERCOT will assign the project a unique identification number (INR number) according to the following convention:

yrINRxxxx

where: yr is the year the generation is anticipated to be commissioned

INR indicates it is an interconnection request

xxxx is a sequence number beginning with 0001 (reset for each year)

(9) The proposed Commercial Operations Date for large generators meeting paragraph (1)(a) of Section 5.2.1 must be at least 15 months after the date the application is submitted or it will not be accepted. If conditions allow, the Commercial Operations Date can be changed after submission.

(10) ERCOT will notify the IE within ten days if the GIM application fails to include the applicable fees or the information that is necessary for the GIM application to be approved.

(11) If the IE fails to respond to ERCOT’s inquiries within ten Business Days, the GIM application will be deemed incomplete and returned to the IE using the online RIOO system. The IE will be notified that action is required via a RIOO system automated email.

(12) Once the application has been deemed materially complete, ERCOT will notify the IE of receipt of the completed application within ten Business Days.

(13) An ERCOT-designated point of contact will be assigned to oversee the interconnection study process and answer questions concerning the interconnection process. Once assigned, the ERCOT-designated point of contact will contact the IE and will be the primary ERCOT contact for the IE.

(14) Prior to the initial contact from the ERCOT-designated point of contact, an IE may direct questions concerning the GIM process to [ResourceIntegrationDepartment@ercot.com](mailto:ResourceIntegrationDepartment@ercot.com). All GIM-related email communication sent to the ERCOT-designated point of contact or to [ResourceIntegrationDepartment@ercot.com](mailto:GINR@ercot.com) shall include the associated project INR number in the subject field. If the communication is not specific to a project, the email subject field shall have the words “Generator Interconnection or Modification.”

(15) If a proposed generator that would use the same physical interconnection is to be built in phases with in-service dates more than three months apart, each phase should be treated as a separate interconnection request but may be included in the same study.

***5.2.4 Duty to Update Project Information and Respond to ERCOT and TDSP Requests for Information***

(1) Each IE shall provide current and accurate Resource Registration information (including information describing the generator, the MPT, and any other generator-owned transmission or distribution facilities) and contact information to ERCOT and the interconnecting Transmission and/or Distribution Service Provider (TDSP), and shall promptly update that information as soon as possible, but no later than ten Business Days, following any change to that information. All TDSPs will be sent notification when ERCOT reviews and acknowledges Registration information changes in the online RIOO system. Interconnection studies that are based on outdated, false, or inaccurate data may adversely affect the safety and reliability of the ERCOT System and can result in damage to generation or transmission equipment. Failure to provide accurate Resource Registration information and contact information may result in project delays or cancellation as described in Section 5.2.6, Project Cancellation Due to Failure to Comply with Requirements.

(2) Twice each year, each IE that has submitted an FIS request shall submit via the online RIOO system, for each proposed facility, the declaration in Section 8, Attachment A, Declaration of Resource Data Accuracy, stating that, as of the date of submission, the most recently submitted data on the current version of the Resource Registration form accurately reflects the anticipated characteristics of the proposed Resource and that the contact information is correct. The declaration shall be executed by an officer or other person having authority to bind the company and shall be submitted via the online RIOO system. Each IE shall submit one declaration for each project no earlier than March 1 and no later than March 15 each year, and shall submit another declaration for each proposed facility no earlier than September 1 and no later than September 15 each year. Failure to submit a declaration may result in project cancellation as described in Section 5.2.6.

(3) If, after receipt of updated Resource Registration data, ERCOT, the interconnecting TDSP, or the lead Transmission Service Provider (TSP) determines that any subsequent changes to the project or to the transmission system or distribution system may affect the reliable operation of the ERCOT System or otherwise warrant new studies, then ERCOT or the TDSP may require additional studies to be performed before the proposed generator is allowed to interconnect to the ERCOT System. The IE and TDSP(s) shall develop a schedule for completing the additional studies. The TDSP shall provide the FIS studies, if applicable, to ERCOT and the other TDSPs via the online RIOO system.

(4) If the IE increases the requested amount of capacity of any proposed large generator by more than 20% of the amount requested in the initial application, the IE shall submit a new interconnection request for the additional capacity or for the entire project.

(5) Within ten Business Days, the IE shall notify ERCOT and the interconnecting TDSP, or, if applicable, lead TSP of any change in ownership and shall provide conclusive documentary evidence of the ownership change (such as a purchase/sale agreement or a document executed by both parties confirming the transaction) via the online RIOO system. TDSPs will receive notification when ERCOT reviews and acknowledges the change. The new owner shall acknowledge the sale by submitting the Resource Registrations data showing the contact information for the new owners within 60 days. Failure to do so may result in project cancellation as described in Section 5.2.6.

(6) An IE shall not transfer all or any portion of a project, including the real property to be utilized by the project, to an Entity that meets any of the prohibited company ownership (including Affiliates) or headquarters criteria identified in the Lone Star Infrastructure Protection Act, Texas Business and Commerce Code, Sections 117**.**002(a)(2)(A)-(b)(2)(B) or 2275.0102(a)(2)(A)-(b)(2)(B), added by Act of June 18, 2021, 87th Leg., R.S., Ch. 975 (S.B. 2116), redesignated by Act of September 1, 2023, 88th Leg., R.S. Ch. 786 (H.B. 4595). If the IE for a project changes, then the new IE shall execute and submit a new attestation in RIOO within ten Business Days of the change in ownership. If the IE for a project relocates the IE’s headquarters, then the IE shall execute and submit a new attestation in RIOO within ten Business Days of the change in headquarters. If an IE or the real property that will be utilized by or for the project meets any of the prohibited company ownership or Affiliate criteria, the project will be subject to cancellation in the manner described in Section 5.2.6.

(7) To support ERCOT resource adequacy and North American Electric Reliability Corporation (NERC) reliability assessment reporting requirements, the IE shall provide the following information via the online RIOO system as soon as possible, but in no event later than ten Business Days after the information is available or has been updated:

(a) Revisions to the initial projected Commercial Operations Date and if available, the energization and Initial Synchronization dates;

(b) Notification if any required air permits have been issued or permit applications have been withdrawn;

(c) Notification and dates for when generator construction has commenced or has been completed; and

(d) A declaration of adequate water supplies (Section 8, Attachment B, Declaration of Adequate Water Supplies), unless the generator is powered by wind or PhotoVoltaic (PV) equipment or is a battery Energy Storage System (ESS).

(8) If during the course of the GIM process, additional information is needed by ERCOT or the TDSP from the IE, the IE must respond to the request within ten Business Days. The IE will be notified that action is required by its ERCOT contact.

**ERCOT Planning Guide**

**Section 8**

**Attachment D: Attestation Regarding Compliance with the Lone Star Infrastructure Protection Act**

**TBD**

**Attestation Regarding Compliance with the Lone Star Infrastructure Protection Act**

**Name of Interconnecting Entity (IE):**

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

**IE’s Interconnection Request (INR) number:**

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

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

1. With respect to the above referenced IE and INR number and with respect to each Entity with an ownership interest in the real property to be utilized by the above referenced IE’s project (“Property Owner”), I hereby attest that:

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

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

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

(i) individuals who are citizens of China, Iran, North Korea, Russia, or a designated country;[[1]](#footnote-1) 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 China, Iran, North Korea, Russia, or a designated country; or

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

(i) individuals who are citizens of China, Iran, North Korea, Russia, or a 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 China, Iran, North Korea, Russia, or a designated country; or

(C) The IE or Property Owner, or a wholly owned subsidiary, majority-owned subsidiary, parent company, or Affiliate of the IE or Property Owner is headquartered in China, Iran, North Korea, Russia, or a designated country.

**If you checked the box for “ONE OR MORE of the following statements in paragraphs (A) - (C) 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, 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 the project, the real property utilized by the project, Resource Integration and Ongoing Operations (RIOO), the Market Information System (MIS), other ERCOT systems, or any confidential data from such systems.

 The subsidiary or Affiliate will have direct or remote access to or control of the project, the real property utilized by the project, RIOO, the MIS, other ERCOT systems, or any confidential data from such systems.

By signing below, I certify that I am an officer, executive, or authorized employee with authority to bind the IE listed above, that I am authorized to execute and submit this attestation on behalf of each IE listed above, and that the statements contained herein are true and correct.

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

Signature

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

Name

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

Title

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

Date

1. The term “designated country” as used in this attestation shall have the same meaning as the definition of that term in Texas Business and Commerce Code, Section 113.001(4), added by Act of June 18, 2021, 87th Leg. R.S. Ch. 975 (S.B. 2116), redesignated by Act of September 1, 2023, 88th Leg. R.S. Ch. 786 (H.B. 4595). [↑](#footnote-ref-1)